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THOROUGHBRED HORSERACING — AND THE — WELFARE OF THE THOROUGHBRED

CAMERON L. STRATTON
EDITOR



SPORTS AND ATHLETICS PREPARATION,
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AND PSYCHOLOGY SERIES**

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New York

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PREFACE

There are many wonderful aspects about the horse business but there are also many negatives in the industry such as inbreeding, over-breeding, oversupply, operations on young foals which are not required to be divulged, bribing at auctions and most importantly, the complete lack of uniformity on numerous issues. Specifically, the permissive medication policies that vary from state to state and the catastrophic results that this medication is wreaking upon the industry. A carefully crafted charter, or other vehicle, for a federal racing association (representing horse owners) is urgently needed to ensure better treatment for horses and enhance the revenues for both the tracks and the horse and improve the integrity and safety of the sport. This book looks at the future and integrity of the Thoroughbred Industry.

Chapter 1 – Good Morning. My name is Allie Conrad, I am the Executive Director for CANTER Mid Atlantic, one of many Non-Profit racehorse re-homing agencies in this country. I am honored to be here to speak on behalf of the horses that you do not see on TV— The horses running at the bottom of the barrel, the horses at low-level claiming tracks. Today I'm going to talk about several issues we face when dealing with the end of a thoroughbreds racing career. I'd like to make clear that most of us have loved racing our entire lives. We are not zealots, we are not anti-racing, we just want the industry to take better care of the animals they make a living on.

I am here to point out the issues we see EVERYDAY, so that they can be discussed by the esteemed members of this panel and resolved as they are in every other sport in this country – through an independent oversight agency. I began CANTER Mid Atlantic in the year 2000, with the help of JoAnne Normile who started the flagship organization in Michigan. For the past eleven years, the eight CANTER organizations have worked to move over 5000 horses off of the track and into new homes both by offering a free advertising service for healthier racehorses at the end of their careers and by taking in the less fortunate victims of this industry. We are one group of many doing this work out there today.

Chapter 2 - I served as a racetrack regulatory veterinarian for 20 years, having been employed as Association Veterinarian at Balmoral Park, Sportsman's Park, Arlington Park, Hawthorne Racecourse, Hialeah Park, Gulfstream Park and Calder Race Course.

My charge as a regulatory veterinarian is to prevent injury; mitigate injury should it occur; and afford prompt, humane euthanasia when an injury cannot be mitigated. Very simply, my obligation is to the horse and I answer to my conscience.

In order to meet my responsibilities to the horse, my activities include: pre- and post-race soundness evaluation; triage of racing injuries; medical record keeping; implementation of pre- and post-race testing programs; research collaboration with academic institutions; management of herd health, equine infectious disease and environmental disease issues; policy development and rule making; racetrack media representation; and liaison between horsemen, racetrack management, governmental regulatory agencies, and private veterinary practitioners.

The role of the racing regulatory veterinarian has dramatically expanded in recent years while, unfortunately, the number of regulatory veterinarians has not. Effective regulatory service requires a complex skill set and the racing industry must work creatively to attract and keep qualified individuals in these positions. Further efforts must be made to efficiently utilize their skills by delegating non-veterinarian specific tasks to qualified staff.

Chapter 3 - Good morning, Ms. Vice Chairman, and members of the committee. I am grateful for the opportunity to be here today and to briefly share with you some information about the role, mission and activities of The Jockey Club.

The Jockey Club was formed in 1894 and is the breed registry for all Thoroughbred horses in North America. As such, we are responsible for maintaining *The American Stud Book*, which ensures the correct pedigree and identification of every Thoroughbred foaled in the United States, Canada and Puerto Rico. In order to register a Thoroughbred in North America, breeders must comply with the rules of registration as set forth in the *Principal Rules and Requirements of The American Stud Book*.

The Jockey Club is a founding member of The International Stud Book Committee, which serves to coordinate the policies and practices of stud book authorities around the world. A key ingredient to accomplishing this is through the development of the internationally accepted "Definition of a Thoroughbred," as contained in Article 12 of the *International Agreement on Breeding, Racing and Wagering*.

Chapter 4 - Good morning, honored members of Congress.

I am here before you because I am gravely concerned about the future of the Thoroughbred industry. I am a fourth generation breeder and owner, and I also have children who are interested in this way of life. I hope to protect it for them.

There are many wonderful aspects about the horse business, the beautiful farms, the rich tradition, the pageantry, the excitement of competition, and the thrill of victory, but there are also many negatives in the industry that I am concerned about such as inbreeding, over breeding, oversupply, operations on young foals which are not required to be divulged, bribing at auctions, and other issues which we have the means, if not the desire, to fix ourselves. But my primary worry and the main issue which concerns me is the complete lack of uniformity on many issues; specifically, the permissive medication policies that vary from state to state, and the catastrophic results that this medication is wreaking upon our industry.

There are 38 racing jurisdictions in the United States and they all have their own rules. As you know from recent stories in the news, use of steroids is rampant and the rules governing its use vary from state to state.

Chapter 5 - Thank you for the opportunity to testify today. I welcome Congressional help and there are two areas that require immediate action: First, a broken business model must be fixed and second, drug use and other safety standards need to be addressed.

These problems have common root causes: The lack of a national and responsible horse owners' organization; the lack of *transparency* in industry practices; the lack of *uniform*

standards; and, most importantly, the lack of accountability and enforceability. All of which can be corrected by an effective horse owners' organization. It is clear to me that most of the industry's present ills stem from the fact that we are a national, or international, sport, that has no competent central regulating body or federal authority mandating uniformity in the United States. While one or more of the present organizations may, with the best of intentions, "study" various issues, few have the authority and none enforce uniform national standards. Some of these issues have been studied, as with the banning of performance altering drugs, for decades without action. As this Committee properly senses, we need less STUDYING and more DOING.

Chapter 6 - By way of introduction I am Professor of Surgery and Director of the Gail Holmes Equine Orthopaedic Research Center at Colorado State University. I also hold the Barbara Cox Anthony University Endowed Chair in Orthopedics at CSU. I consult worldwide as an equine orthopedic surgeon and therefore am involved in the immediate repair and treatment of equine musculoskeletal injuries, as well as trying to find better answers for both fatal orthopedic injuries, as well as day to day orthopedic problems in the horse through our research program at CSU. I am also a past-President of the American Association of Equine Practitioners and the American College of Veterinary Surgeons (the Specialty Board for Veterinary Surgery). I participate in the AAEP "on call" program and Dr. Larry Bramlage and I act as the AAEP "On Call" veterinarians at the Annual Thoroughbred World Championships/Breeder's Cup races. I also participated in the Grayson-Jockey Club Foundation sponsored Welfare Safety Summits in October 2006 and March 2008 and am Chair of the Subcommittee on Race Track Surfaces.

This collective experience is the basis for my statements and comments that follow. I will restrict my comments to areas where I either have some expertise or research findings, clinical experience or consensus of my peers. There are two parts to my discussion on each issue.

Chapter 7 - Anabolic steroids are synthetic derivatives of the male hormone, testosterone, that have been modified for promoting protein synthesis, muscle growth, alter fat/muscle ratio and increase red blood cell numbers ^[1]. These agents can exert strong effects on the body that may be beneficial for athletic performance ^[2]. Androgenic steroids, on the other hand, are naturally occurring steroids, such as testosterone and nandrolone, that are produced by the non-castrated male horse (stallions) and estrogen by the female horse. Published information is available on human subjects that suggest improvement in the strength skills following the administration of anabolic steroids ^[3-7]. The lack of well structured double-blind studies have led some to concluded that anabolic steroids do not increase muscle size or strength in males with normal hormonal function and have discounted positive results as unduly influenced by biased expectations of athletes, inferior experimental design, poor data analysis, or at best, inconclusive results ^[4,8,9]. On the other hand, the perception of the public and anecdotal information on dramatic changes in athletic performance have led the public to view the administration of anabolic steroids as cheating and enhancing performance beyond the athletes' natural ability. This perception is in all sports, including horse racing, and the administration of anabolic steroids to some horses violates the concept of a level playing field and risks the health and welfare of the horse.

Chapter 8 - Thank you, Vice-Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee.

My name is Randy Moss. I work as a horse racing analyst and reporter for ESPN and ABC Sports.

I'm not the football player. I also have never trained racehorses, have never ridden racehorses, and I have had no veterinary training. I have been asked to join today's discussion because I have been close to thoroughbred racing for 30 years, as a newspaper reporter, handicapper and freelance writer; through brief stints as a racetrack manager, jockey agent and publicist; and for the last decade in television.

Because of these positions, I have had extensive conversations with trainers, jockeys, owners, breeders, racing executives, racing administrators and veterinarians about a variety of issues, some of which are being discussed here. Just as importantly, I have a regular dialogue with horseplayers, the bettors who are the lifeblood of horse racing but whose opinions are too often overlooked.

As a result of all this, I have developed plenty of my own opinions along the way that – for better or worse - I seldom hesitate to express.

Chapter 9 - Mr. Chairman and Members of the Subcommittee on Commerce, Trade, and Consumer Protection, thank-you for the opportunity to share our knowledge of racehorse musculoskeletal injuries and ongoing efforts for injury prevention.

California has monitored racehorse deaths for over 15 years. The California Horse Racing Board, a subcommittee of the California State Legislature, instituted a Postmortem Program in 1990, where all horses that die at a California racetrack under the jurisdiction of the Board undergo necropsy examination by pathologists at California Animal Health and Food Safety Diagnostic Laboratories of the School of Veterinary Medicine, University of California, Davis. Racetracks transport horses to necropsy facilities in this highly collaborative program. Industry organizations (e.g., Grayson Jockey Club Research Foundation, UC Davis Center for Equine Health) fund highly competitive, in-depth research projects on racehorse injuries and illnesses, conducted by University faculty and private veterinarians. Over 4,200 racehorses have been necropsied through this program. Necropsy programs have now been established in other states, and there are efforts to standardize reporting of necropsy findings nationwide.

Chapter 10 - Mr. Chairman, Members:

For three generation generations my family has been involved in nearly every s aspect of this sport. I have operated a race track, competed as a harness driver, and have owned and bred thoroughbreds for racing. Currently, I am the chairman of the California Horse Racing Board.

I would first like to acknowledge the thousands of dedicated horsemen and horsewomen who keep this beautiful sport alive. Horse racing is a \$26 billion a year industry, directly providing nearly 400,000 jobs and satisfying careers, from the inner city to rural America. As one of the first and oldest forms of legalized gambling in the United States, horse racing occupies a special place in our history and our culture.

Nevertheless, I have witnessed the changes and accept the challenges that all of us in this industry now address every day: How do we help our sport survive – and maintain its integrity – in this era of enormous competition from Indian casinos, card clubs, new lottery games and the potential spread of legalized Internet gambling?

We are in the midst of transforming our ivy-covered bricks and mortar racing venues into the flashy web graphics of live sports telecasting and entertainment – entertainment that people bet on. We must carefully balance the need to attract newer and younger casual fans

while satisfying our regular patrons who enjoy our game and keep these venues alive. And we must never lose our vision or neglect our responsibility to care for the horses that people come to see: The beautiful creatures who make it all possible and whose health and welfare must always be our prime concern.

Chapter 11 - Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee, thank you for this opportunity to speak on behalf of the National Thoroughbred Racing Association and its 65 member racetracks, 40 horsemen's groups and one million individual supporters.

NTRA is Thoroughbred racing's only centralized authority representing virtually all industry stakeholders, including owners, breeders, trainers, racetracks, riders, racing fans and veterinarians. As such, we serve the industry as a consensus builder around solutions to problems of national importance to the horseracing industry.

With an industry as diverse as ours, consensus is sometimes difficult. Nonetheless, our stakeholders agree that the health and safety of our equine athletes is paramount to our sport.

From its earliest days, pari-mutuel horseracing has partnered with state governments to sanction and regulate horse racing both as a sport and as a pari-mutuel wagering industry. State government insures the public of the integrity of our operations through independent oversight and verification.

States regulate our industry through state racing commissions. These individual commissions operate under the umbrella of the Association of Racing Commissioners International or RCI, which develops and promulgates national standards called model rules of racing. The challenge of our state regulated structure is to implement uniform rules in all 38 racing jurisdictions.

Chapter 12 - In order to bring integrity back to the great sport of horse racing, the first and most important act should be to implement the most sophisticated drug testing available. It should be funded by a small percentage of the simulcast money; approximately 1/8 of 1%. Three labs should conduct the testing—one in the west; one in the east; one in the Midwest. It would be the responsibility of the trainer, or his representative to monitor the collection of the sample(s) after the race. Half of the test sample should be immediately frozen and put in a locker that requires two keys to open. One key should be held by the trainer and another one held by the lab technician. The other half of the sample should be sent to the designated lab and tested. If this sample is positive, then the trainers and lab technician would unlock the other half of the sample and send it to one of the other designated labs. If the sample is also positive, then very strict penalties should be imposed.

Chapter 13 - Ms. Chairwoman, Committee members, thank you for the opportunity to talk with you today.

When I was contacted by one of your staffers and asked to speak here today I agreed because I wanted to share my insights and points of view on some of these issues and I hope that I can be helpful here.

I also hope that I was not asked to be here because of some of the problems I have had in the past. I hope your staff people were sincere in inviting me because they valued my insight. I want to be part of the solution and not part of the problem.

I also ask for your patience today. I'm not always the best at explaining things. I've been taking care of horses all my life. I dropped out of high school more than 30 years ago to take care of horses and sometimes I think I do better with horses than with people.

As you may know, I am the trainer for Big Brown, the very talented horse who won the Kentucky Derby and the Preakness this year. Despite my best efforts and those of the team of people around him, he did not win the Belmont Stakes but that's horseracing. Big Brown is healthy and our plan right now is to keep him racing this summer and fall.

In addition to Big Brown, I am responsible for approximately 150 horses at any one time – 110 in active training and 40-50 at various farms getting ready to race.

Chapter 1

RACING BRIEFING*

Allie Conrad

Good Morning. My name is Allie Conrad, I am the Executive Director for CANTER Mid Atlantic, one of many Non-Profit racehorse re-homing agencies in this country. I am honored to be here to speak on behalf of the horses that you do not see on TV—The horses running at the bottom of the barrel, the horses at low-level claiming tracks. Today I'm going to talk about several issues we face when dealing with the end of a thoroughbreds racing career. I'd like to make clear that most of us have loved racing our entire lives. We are not zealots, we are not anti-racing, we just want the industry to take better care of the animals they make a living on.

I am here to point out the issues we see EVERYDAY, so that they can be discussed by the esteemed members of this panel and resolved as they are in every other sport in this country – through an independent oversight agency.. I began CANTER Mid Atlantic in the year 2000, with the help of JoAnne Normile who started the flagship organization in Michigan. For the past eleven years, the eight CANTER organizations have worked to move over 5000 horses off of the track and into new homes both by offering a free advertising service for healthier racehorses at the end of their careers and by taking in the less fortunate victims of this industry. We are one group of many doing this work out there today.

I am sure you are wondering who I am, and what qualifies me to be sitting amongst these esteemed panelists. I am qualified to be here because I rehabilitate and re-home racehorses from what is thought to be one of the most infamous tracks for breakdowns in the country, Charles Town --just 60 minutes from where we sit today. I have personally visited the Charles Town barns on average of 40 Saturdays a year, for the past 8 years, and my team of volunteers is present nearly every weekend.

I am qualified to be here because I touch these animals everyday. I see the condition they are in every day. I am qualified to be here because I must make the heartbreaking decision to turn horses away from our organization every day due to lack of financial resources.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

One thing that was made very clear to me early on is that racehorses are not protected from horrific ends by their pedigree. They are not protected by their high sales price at the High-End Auctions. They are certainly not protected by the money they win for owners.

We have cared for and re-homed sons and daughters of Derby, Preakness and Belmont Winners. We have saved horses who were purchased in excess of 100,000\$ only months before. We have rescued horses who have won over half a million dollars. None of it mattered once they could no longer perform. The only thing that protects a racehorse from a horrific death is having the good fortune of being owned and trained by caring, honest people.

And there ARE caring people in this sport. There are people that ensure the well being of their charges is the utmost importance. While I'd like to acknowledge and profusely thank these people, we are not here to talk about them, except to note that if there were more of them, we would not be here today. Instead we are here to talk about the dark side, the people who do not care, the people ruining what used to be the Sport of Kings. The people who are running their horses on injected joints to hide fractures, the people using claiming races to dump their crippled horses. The people who send their hard-working racehorses off to the kill pens on sore and broken bodies, collecting a paltry \$300, rather than spending that small amount to give that same horse a more dignified, peaceful ending

Consider these statistics from our first CANTER Program in Michigan, which started in 1997. They humanely euthanized 41 horses in 2007 alone after removing them from the racetrack. This program alone actively spends over \$50,000 per year on surgeries to restore those more fortunate horses to a serviceable career.

CANTER Mid Atlantic is currently home to 15 ex-racehorses, and over 60 have passed through our hands in 3 years. We have taken 15 of those 60 horses, only to use our funds to euthanize them because their racing injuries were too severe to recover from. Over the course of a year I see hundreds of horses whose only recourse at this point in their careers is euthanasia, but we can only afford to take in a fraction of them.

These horses weren't injured from a freak accident or a tragic misstep. They were injured over time with the assistance of trainers, owners and veterinarians— all who should have put the horse's welfare as a higher priority. Like horses all over the country, these horses were injected with legal substances—both anabolic and catabolic steroids (cortisone), race day pain killers, and diuretics. We see the horses that pass through the claiming ranks and through multiple owners. The subsequent repeated use and abuse of these drugs on these horses is catastrophic. Worse, the legal drugs mask the use of the illicit drugs in these horses, which include EPO and cobra venom. The result? Bone-on-bone arthritis, multiple inoperable bone chips, ligaments and tendons completely torn away from the structure they once supported. They raced on fractures and they raced to exhaustion, but they always ran as fast as their bodies would allow. But even the small mercy of a peaceful death was one their owners could not or would not do for these horses who did everything ever asked of them. I'm going to insist that every person in this room carefully read the handout I've provided (Michigan Horses), so you can see the lives that were wasted. This is not speculation, this is not hearsay. This is hard evidence of what is happening to our horses. I assure you that this spreadsheet is applicable to every low-level track in this country.

Michigan Data compiled by CANTER founder Jo Anne Normile. For further information please contact her at 734-455-5116.							
Please note that Racing trainers are nomadic as tracks close for the season. They will move to other low-level tracks in Ohio, Illinois, West Virginia among other states. The Michigan racing commission compiles no injury or death records for horses injured on the track. These figures do not include breakdowns that resulted in death on the racetrack. These horses are only those who were able to enter the CANTER program, not those sent to the sales.							
MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
2007 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
4/16/2007	Abby Coole	10	Redman, Deb	donated	severely underweight, lice-ridden, UTI, back injury	Euthanized	2007
11/20/2007	Angel	3	Sobczak, Adam	donated	dangerous behavior, questionable unsoundness	Euthanized	2007
10/4/2007	Backside Sunrise	4	Martinez, Alex	donated	knee fractures. Unsalvageable	Euthanized	10/12/2007
7/20/2007	Barbara's Jewel	7	Bennett/ Nicks	donated	Non-repairable ankle fracture, chronic and end-stage arthritis, ran only 4 days before intake to CANTER	Euthanized	7/23/2007
9/19/2007	Belle d' Elite	4	Spiess, Shane	\$500	Fund-raised for the \$500 to retire this injured filly, nonrepairable knee fracture. Euthanized	Euthanized	10/12/2007
10/13/2007	Buck's Secret	3	Bennett/ Crone	donated	severe ankle arthritis at only 3 years old	Euthanized	11/2/2007
10/27/2007	Cabriolass	6	Russell, Randy	\$600	Knee with large fracture, loss of joint cartilage, end-stage arthritis...CANTER notified Racing Commissioner of the gelding's upcoming race with hopes he would be vetted and scratc-hed...not scratched. Fund-raised to pay trainer to retire the gelding...nonsalvageable knee fracture and euthanized	Euthanized	11/2/2007

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
1/5/2007	Call Me Tuiti	6	Grassell, Mike	donated	contracted tendons, owner left horse with the condition	Euthanized	1/7/2007
10/27/2007	Can't Catch G.I.	3	Martinez, Pedro	donated	severe arthritis, bilateral ankles...at only 3 years old	Euthanized	11/2/2007
7/20/2007	Cat Stick	4	Atwood, Julie	donated	Old knee chip injury which track vet told owner didn't need sur-gery, just some time off..6 months. Later x-ray by track vet said OK to race but horse still lame. After CANTER received horse, MSU evaluated. Unsalvageable and Euthanized	Euthanized	7/27/2007
11/8/2007	Claims My Name	14	Widmark, Dana	\$100	broodmare found at farm with hoof sloughing from leg, determined to be a chronic and ongoing injury. Mare immediately Euthanized. Mare had foal at side.	Euthanized	11/8/2007
9/30/2007	Court Ace	4	Thibodeau, Pam	donated	non-repairable injuries, left front ankle and right hock	Euthanized	10/17/2007
6/20/2007	Dream Deliverer	5	Bennett, Gerald	donated	severe arthritis right front, unsound at a walk	Euthanized	7/24/2007
11/3/2007	Goinritpast	4	Barron, Bobby	donated	Gelding with known knee fracture. Not salvageable when finally donated, Euthanized	Euthanized	11/8/2007
9/14/2007	Havana Anna	6	Spiess, Shane	donated	previously foundered then injured rear leg in gate accident and again laminitis after injury, Euthanized	Euthanized	12/31/2007

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
9/19/2007	Hesasonofa-gun	2	Spiess, Shane	donated	2 year old with wobblers, only thing that could be done for him was euthanasia	Euthanized	10/6/2007
11/20/2007	Indigo Rock	4	Sobczak, Adam	donated	back injury, non-healing and non-repairable	Euthanized	12/13/2007
11/15/2007	J Aled Rudolph	9	Cavanaugh, Ed	donated	old sesamoid fracture front, also lame in rear	Euthanized	12/31/2007
10/20/2007	Kiss On The Run	3	Klump, Matt	donated	right shoulder injury, continuing lameness	Euthanized	11/2/2007
11/8/2007	Kiss The Flame	5	Sobczak, Adam	donated	severe arthritis bilateral ankles	Euthanized	12/3/2007
11/8/2007	Los The Loot	5	Spiess, Shane	donated	degenerative myopathy	Euthanized	12/31/2007
5/29/2007	Meadow Gift	4	Spiess, Shane	donated	navicular	Euthanized	6/10/2007
10/21/2007	Ms Traitor	5	Pattah, Shahab	\$300	end-stage arthritis, bilateral ankles	Euthanized	11/2/2007
10/4/2007	Oh No Uno	3	Uelman, Jason	\$250	Surgery for knee fracture; colicked after requiring euthanasia	Euthanized	12/26/2007
2007	Peppermint Promise	13		donated	aged and arthritic broodmare	Euthanized	1/31/2007
9/3/2007	Restrike	5	Wilk, Barbara	donated	severely neurological	Euthanized	10/10/2007
11/15/2007	Runaway Easter	4	Widmark, Dana	\$250	Removed from Widmark farm: neurological, emaciated, no shelter in crowded/muddy conditions	Euthanized	
2007	Salty Lover	4	from Ohio CANTER	donated	severe OCD's stifles, surgery performed but not sound after	Euthanized	10/2/2007

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
6/26/2007	Search for a Star	5	Belknap, Dave	donated	right knee fracture, unsalvageable	Euthanized	7/2/2007
11/8/2007	Seeya Trouble		Sobczak, Adam	donated	Neurological	Euthanized	
8/5/2007	Siphoned	5	Russell, Randy	donated	fracture of right knee. Unsalvageable	Euthanized	8/10/2007
8/25/2007	Storming	5	Pattah, Shahab	donated	Stood for almost 2 weeks with severe fracture of knee, donated to CANTER and had the horse euthanized at the track to avoid pain of transport to MSU	Euthanized	8/26/2007
10/27/2007	Sunder Bay	6	Spanabel, Kelly	\$250	Raced with bowed tendon, 90% of tendon torn away when CANTER received him. Euthanized	Euthanized	11/2/2007
10/13/2007	Sunny Charmer	4	Robilard, Josh	donated	slab fracture, unsalvageable	Euthanized	10/17/2007
11/13/2007	That's My Chance	4	Cluely, Andrea	donated	bench-kneed, unsound	Euthanized	12/5/2007
8/1/2007	Top Faith	4	Martinez, Pedro	donated	lumber spine injury, right front joint injury, Euthanized	Euthanized	10/10/2007
9/9/2007	Tricky Tyler	10	Jackson, James	donated	severe, end-stage arthritis, very lame	Euthanized	10/6/2007
11/3/2007	Unreal Dancer	10	Pranito, Frank	\$250	severe arthritis and old chips	Euthanized	12/5/2007
6/20/2007	Valentine	5	Martinez, Pedro	donated	swollen hock, non-healing and longstanding infection of the hock from repeated injections	Euthanized	8/10/2007
5/30/2007	Whitmark	6	Spanabel, Kelly	\$250	Old, chronic and repeated injury to knee, unable to flex or even lie down	Euthanized	6/11/2007

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
11/7/2007	Winds of Love	9	Spanabel, Kelly	\$250	raced with hardware in ankle, end-stage arthritis, bone degeneration from repeated injections, uthanized	Euthanized	12/3/2007
					TOTAL 2007 EUTHANIZED: 41	TOTAL 41	
11/23/2007	Aggravating Annie	6	Sobczak, Adam	donated	broodmare sound only		
11/7/2007	Baltic Hydra	6	Uelman, Larry	\$250	Surgery for RH apical fracture of sesamoid		
10/20/2007	Beulah Special	4	Pattah, Shahab	\$500	crooked legged, unsound		
9/14/2007	Call Me Danny	5	Martinez, Pedro	donated	Surgery for ankle fractures-remove bone chips		
7/28/2007	Can't We Smooch	4	Woods, Karla	donated	Surgery for condylar fracture		
11/8/2007	Claudines Kitten	8	Widmark, Dana	\$100	broodmare sound only		
9/14/2007	Count the Facts	3	Waite, Del	donated	Surgery to remove bone chip of carpal bone		
11/7/2007	Devilsville Slew	6	Spiess, Shane	donated	ankle chip, non-surgical, attempt rest/re-evaluate		
7/23/2007	Edens Lite	8		donated	emaciated broodmare		
9/3/2007	Fluent Edge	6	Bennett/Pleவர்	donated	Surgery ankle fractures, chips removed		
11/3/2007	Holy Words	3	Uelman, Larry	\$250	Surgery medial sesamoid fracture of RH fetlock and sesamoiditis		
11/3/2007	Independent Gliter	3	Uelman, Larry	\$250	Examined and sound but totally body sore.		
8/26/2007	Inmylifeti-me	3	Uelman, Larry	donated	Surgery for fractures of middle carpal joint and torn ligament back of knee		

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
11/21/2007	Juan's Bouncer	7	Widmark, Dana	\$500	Removed from same Widmark farm as other horse. Horse very thin and in poor condition, fund-raised to purchase him to remove him from farm	11/21/2007	Juan's Bouncer
10/20/2007	Lil Dots Binkissed	4	Klump, Matt	donated	bowed tendon, just needs time off		
11/10/2007	Lil Eva	7	Sobczak, Adam	donated	broodmare sound only		
11/15/2007	Love and Hope	6	Widmark, Dana	\$250	Removed from same Widmark farm as Euthanized Runaway Easter but mare had just arrived at the farm and was in good condition		
9/8/2007	Mister P	2	Williams, Charlie	donated	sesamoid fracture right front, only 2 years old.		
8/26/2007	Naturally Swift	4	Waite, Del	donated	Surgery-knee fracture and repair of bowed tendon		
10/13/2007	Odd You Should Ask	7	Frejie, Claudette	donated	Surgery for removal of bone chips		
8/1/2007	Palacious Summer	3	Spiess, Roger	donated	Surgery 8-9-07 to damaged stifles due to repeated injections. Still lame and most likely will need euthanasia		
11/7/2007	Rainbow Rose	7	Wood, Robert	donated	sore backed		
7/14/2007	Sarah's Goldengirl	9	Martinez, Pedro	donated	gate accident, lacerations and abrasions		
9/3/2007	Sassy Susie Q	2	Inman, Ron	donated	Surgery for sesamoid fracture		
5/23/2007	Saucon Creek	7	Benjamin, Kelly	donated	Surgery for tendon injury		
11/7/2007	Savvy Soiree	4	Spiess, Shane	donated	Surgery to remove bilateral knee bone fragments of the radiocarpal bone fragments		

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
11/3/2007	Secret Stripes	3	Spiess, Shane	1500*	*Trainer refused to not race injured horse unless CANTER bought the horse for \$1500. Immediate examination after purchase revealed knee fractures. Nonsurgical. Broodmare only		
10/20/2007	Silkie's Diz	7	Foggiano, Donna	donated	Surgery for removal of bilateral OCD's in hocks		
2007	Single Again	6		donated	Surgery for displaced condylar fracture of RF. Screws, cast. Continuing with rehabilitation.		
2007	Supermarket Queen	5	from CANTER Ohio	donated	Surgery for knee fracture, removal of bone fragments with degenerative joint disease		
11/12/2007	Tissues	13	Sobczak, Adam	donated	broodmare sound only		
11/3/2007	Town Man	3	Foggiano, Donna	donated	Surgery LF fetlock fracture - removed bone chip		
5/6/2007	Untamed Irish	14	Reynolds, Lori	donated	Found at farm 200-300 pounds underweight, pregnant, lice ridden, broodmare sound only		
2006 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
6/28/2006	Astor Street	6	Benjamin, Kelly	donated	ankles destroyed, multiple injections, severe arthritis	Euthanized	6/28/2006
2006	Bold Joi'ski	4	Zimmer, Tom		Rearing under saddle and kicking. Suspected spinal problem	Euthanized	2006
8/22/2006	Buckflanker	4	Spanabel, Kelly	donated	bilateral knees, slab fracture and chips	Euthanized	8/22/2006
8/26/2006	Celtic Trick	2	Londono, Odin	\$250	severe knee slab fracture. Only 2 years old	Euthanized	8/31/2006
10/6/2006	Del's Choice	20+	Miller, Bob	donated	Aged broodmare no longer able to get in foal..	Euthanized	2006

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
2006	DeSoto	9	Grace/ Sobczak	donated	dangerous to handle and questionable soundness	Euthanized	2006
2006	Etbaaur's Gift	5	Benjamin, Kelly	donated	Surgery for knee fractures. Colicked post surgery	Euthanized	8/23/2006
2006	Flash of Cash	3	Hirt, Chett	donated	severe founder, coffin bone through sole, probable etiology is "bad" injection. 3 years old	Euthanized	5/22/2006
10/1/2006	Hawaiiin Lord	11	Scheurer, Ruth	donated	severe arthritis all joints, severe hock degeneration due to untreated infection	Euthanized	8/21/2006
2006	Heller	9	Grace/ Sobczak	donated	Dangerous to handle/questionable soundness	Euthanized	10/2/2006
1/27/2006	Hurricane Bill	5	Mt. Pleasant Track		bilateral enlarged ankles bowed tendon/severe pelvic injury	Euthanized	2/23/2006
2006	Inprint	3			"knee is collapsed" per MSU	Euthanized	2006
2006	Inside Pitch	6			knee had 2 large chips and slab fracture	Euthanized	12/6/2006
2/9/2006	Janna's Flier	6	Leonardi, Hugo		Sore/walking on heel bulbs/ found old pelvis fracture	Euthanized	2006
2006	Jetta's Golden Boy	7	Hirt/ Sobczak	donated	laminitis/founder with coffin bone through sole	Euthanized	8/22/2006
10/1/2006	Jette For Money	6		donated	Fractured knee. Unsalvageable	Euthanized	10/1/2006
2/1/2006	Kathy's In	14		donated	severe arthritis, aged broodmare, blind	Euthanized	2/1/2006
9/1/2006	Lady Texas	4	Hirt/ Sobczak	donated	From farm with year old slab fracture suffered as a 3 year old. Unsalvageable	Euthanized	8/11/2006
2006	Lake John	4	Grace/ Sobczak	donated	Loss of bone due to longstanding untreated infection, "one of the worse vet has seen"	Euthanized	8/14/2006

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MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
2006	LilkiIngirl	5	Sobczak, Adam	donated	Knee slab fracture	Euthanized	9/20/2007
10/1/2006	Lou's Expectation	7	Goldenberg, Jim	Donated	Surgery to repair bilateral fractured sesamoids, left him only pasture sound. Was retired but eventually colicked.	Euthanized	Feb-06
2006	Magic Conqueror	5	Spanabel, Kelly	donated	lame, arthroscopy left knee, severe arthritis	Euthanized	2006
10/6/2006	Mustafa	7	Gaffka, Sean	donated	Bilateral ankles with advanced arthritis	Euthanized	2006
10/1/2006	Popularize	6	Squaws Landing	Donated	right hind ankle sesamoid fracture	Euthanized	10/1/2007
10/1/2006	Rip n Roar	6	Mock, Tend	donated	Surgery for knee fracture.Post surgery fractured leg while cast	Euthanized	2006
2006	Teralote	6	Hanneman, Rick	donated	severe bilateral ankle arthritis, chronic injury/previous multiple injections	Euthanized	11/19/2006
2006	The Play's The Thing	3	Hirt/Sobczak	donated	bilateral knee fractures/chips at only 3 years old. Unsalvageable	Euthanized	8/23/2006
10/1/2006	The Suave Co-mmoner	5	Waters, Karl	donated	large chip in fetlock and arthritis "very, very advanced" per MSU	Euthanized	12/11/2006
2006	Tower Six	5	Hirt/Sobczak	donated	from farm with old injury and unsound, chronic and unsalvageable	Euthanized	8/11/2006
6/28/2006	Vague Hint	7		donated	non-healing bowed tendon, continuing lameness	Euthanized	
2006	Villa's Man	6	Hirt/Sobczak	donated	chronic injury, navicular bone fracture	Euthanized	8/11/2007
10/6/2006	Sir Marlin	5	Spanabel, Kelly/ Vanderhyde, Tom	donated	Chronic lameness, arthritis, sore back	Euthanized	2006
2006	Sorbie	3	Waite, Del	donated	3 yr. Severe arthritis from old injuries	Euthanized	2006

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MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
10/6/2006	Hilary's Crisis	6	Piper, Amy	donated	severe untreated slab fracture, stood for 2 months after injury untreated. Unsalvageable	Euthanized	12/4/2006
10/1/2006	Brett n Butter	6	Bennett, Gerald	donated	Severe arthritis. Nonriding rest failed to show any improvement.Lame.	Euthanized	2006
10/6/2006	Cut The Ribbon	6	Bennett, Gerald	donated	Surgery for knee fractures. Colicked post surgery	Euthanized	2006
					TOTAL 2007 EUTHANIZED: 36	TOTAL 36	
2006	Codex Dancer	5			Old bowed tendon. Shock wave therapy		
10/1/2006	Crafty Comet	5	Grace/ Sobczak	donated	Broodmare/pasture sound only		
2006	Jumpin Joe	5	Hirt/Sobczak				
2006	Katies Cuddles	4	Hirt/Sobczak				
10/6/2006	Loot Tooten Boy	3	Uelman, Larry	\$250	sound but rescue had to purchase the horse		
9/1/2006	Lord Johnny	3	Glenn, Dwaine	Donated	lame, sound after time off		
10/1/2006	Lucky Sixes	5	Slot, Sonia	donated	sound but thin/nervous, on 30-day tranquilizers		
10/1/2006	Marcis Class	3	Hirt, Chet	donated	only broodmare sound		
2/1/2006	Merrimack Zack JC	5	Davis, Joe		?		
2006	Moll It Over	3	Wood, Robert	donated	Surgery for knee fractures		
2006	Super Good times	3	Rupert/ VanderHyde	donated	Surgery for knee fractures after horse stood in stall for 10 days before rescue was called		
2005 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
4/1/2005	Actslike-champ	6	Stevenson, Julie	donated	Surgery 4-18-05 knee fracture. Extended rest. Still lame	Euthanized	3/29/2006

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MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
10/23/2005	About Time To Win	10	Cavanaugh, Ed	donated	10 yr.old. Ankles destroyed/hock infection	Euthanized	11/8/2005
7/15/2005	Arkangel	3	Skinner, Diana/Jonna	donated	Old untreated knee fracture.. Nonsurgical/Unsalvageable	Euthanized	8/11/2005
9/20/2005	Castlewood	8	Debino, Roger Chicago	donated	ankles/roach back/sore	Euthanized	9/26/2005
1/15/2005	Chassis	5	Briggs, Asa	donated	Owner states "ankles". Euthanize per Kern Rd. Vet. Xrays	Euthanized	2/3/2005
7/28/2005	Dear Gulch	3	Martinez, Pedro	donated	Surgery 8-2-05 for slab fracture unsuccessful	Euthanized	8/1/2005
7/20/2005	Falling Star	4	Owner?/ Leonardi, Hu	500	Xrays to MSU 9-8-05. Ankles nonsurgical	Euthanized	10/22/2005
7/6/2005	Gold Play	6	Benjamin, Kelly	donated	Ankles - injected 3 wks ago. Unsalvageable	Euthanized	7/22/2005
9/20/2005	Jackdaw	4	Chicago	donated	Surgery -tendon/annular ligament unsuccessful	Euthanized	12/15/2005
1/15/2005	Joe Pat	6	Briggs, Asa	donated	Trainer states "knee chips". Xray/ Euthanize per Kern Rd Vet	Euthanized	2/3/2005
7/21/2005	Marchand Volant	7	Benjamin, Kelly	donated	11-22-05 to MSU stifle injury. Extended rest. Still lame	Euthanized	3/10/2006
3/5/2005	Moscow Caper	5	Uehlman, Larry	donated	Knee fractures unsalvageable	Euthanized	3/13/2005
9/23/2005	Mustbea-marlin	4	Johnson, Deb	donated	Fracture left hind. Needs injections to ride	Euthanized	10/27/2005
6/10/2005	Northern Thoughts	6	Fitzgerald	donated	Significant arthritis in hind. Rested 60 days. Lamé	Euthanized	7/22/2005
5/11/2005	Out There	5	Morris, Liz	donated	Surgery 5-18-05 for tendon. Painful unresolved abscesses	Euthanized	10/4/2005
3/11/2005	Passionate Soldier	6	Bennett, Gerald/AAC	donated	Knee arthritis/fractures nonsurgical per Dr. Evan Moore	Euthanized	4/1/2005
7/21/2005	Penny Anne	4	Hirt, Chett	donated	Old sesamoid fracture now nonsurgical/unsalvageable	Euthanized	8/11/2005

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MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
8/13/2005	Perkin Warbeck	13	Slot, Sonia	donated	Stallion from farm with injury	Euthanized	7/15/2005
12/6/2005	Regal Rebel	6	Pattah, Shahab	donated	Knee collapsed from multiple fractures	Euthanized	12/6/2005
10/12/2005	Ryndam	4	Rupert, John	donated	Unable to properly flex on retraining. Old neck fracture	Euthanized	8/21/2006
7/6/2005	Sara's Circus Boy.	4	Bennett, Gerald	donated	Surgery for knee fractures/ castration. Unsuccessful	Euthanized	8/5/2005
7/6/2005	Sharp Response	4	Bennett, Gerald	donated	Old bow/unstable pelvis/spine	Euthanized	7/18/2005
5/22/2005	Steady Ruckus	6	Bennett, Gerald	donated	9 yrs old. Ankle fractures/arthritis nonsurgical	Euthanized	6/4/2005
9/8/2005	Suave Knight	5	Frankina, Guy	donated	Nonweight bearing on slab fracture	Euthanized	9/12/2005
11/29/2005	Visalin	3	Leichty, DVM Chicag	donated	Surgery at MSU spiral fracture of rear cannon bone	Euthanized	11/29/2005
3/5/2005	Winning Affair	8	Uehlman, Larry	donated	Bilateral ankle arthritis - nonsurgical/unsalvageable	Euthanized	3/13/2005
5/31/2005	Overexposed	3	Rupert, John	donated	Surgery 6-10-05 knee fracture		
2/5/2005	Adam-express	4	Leonardi, Hugo	donated	Surgery 3-8-05 hock lesion.		
11/4/2005	Agricola	5	Russell, Randy	donated	Surgery 11-21-05 tendon and annular ligament old/new bow		
9/8/2005	Cheyenne's Will	4	Kuefner/ McKuen	donated	Surgery 9-9-05 knee fracture		
6/7/2005	Diamantis	3	Belknap, Dave	donated	Surgery 6-8-05 knee fracture		
8/28/2005	Elegantly Tricky	3	Karcher, Doug	donated	Previous surgery to remove bone fragments from knee at age 2. No further surgery. Sound for flat work only		
9/8/2005	Pet Your Cat	5	Martinez, Pedro/ McIsaac, Kathy	donated	Surgery 9-9-05 ankle fracture.		

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
5/11/2005	Stolen Honor	7	Morris, Liz	donated	MSU evaluated. Ankle fused. Light riding only		
4/30/2005	Dunala	2		donated	Knee fracture. Adopted by MSU vet for one dollar.		
8/28/2005	Drunken Monkey	3	Bland, Roy	250	Surgery 9-9-05 ankle fracture		
9/14/2005	Refiners Gold	6	Belden, Sue/Larry	donated	back subluxation. Lamé. Needs therapy and reevaluate		
11/1/2005	Cone of Silence	5	Riker, JD, Indiana	donated	Surgery for bilateral knee fractures. Limited light riding		
8/12/2005	Kona Beau	6	Belden, Tiffany	donated	Surgery 8-18-05 LF ankle/knee fractures		
10/12/2005	Persistant Paul	3	Bennett, Gerald	donated	Surgery 11-8-05 tendon repair		
6/23/2005	Q Royal blew By U	4	Thibodeau, Pam	donated	Surgery 7-7-05		
8/12/2005	Sandra's Brave	6	Bland, Roy	donated	Surgery for old slab fracture in knee		
9/14/2005	Sisters Mister	4	Zimmer, Tom	donated	Surgery at MSU 9-16-05		
2004 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
12/20/2004	Two Bit Ginger	3	Brown, Sid	donated	Hock injury. Unsalvageable	Euthanized	1/25/2005
12/28/2004	Light and Lethal	3	Hirt, C./Brown, Sid	donated	Bilateral knee fractures also positive neurological	Euthanized	1/18/2005
8/17/2004	Loaded Six String	4	Turner/ Swearingen	donated	Surgery 9-20-05/MSU 6-2005. Still lame	Euthanized	7/10/2005
10/27/2004	Ain't No Yank	10	Hirt/ Waltman	donated	Did Not Finish Race -bilateral ankle fractures	Euthanized	11/5/2004
2/8/2004	Tween-thelines	5	Bennett, Gerald	donated	Surgery attempted - knee fracture too severe to repair	Euthanized	3/10/2004

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
2/25/2004	Pineing Rebel	7	Bennett, Gerald	donated	Multiple lamenesses/very sore	Euthanized	3/26/2004
5/13/2004	AJ Flyer	8		donated	Knees deteriorated, rested, nonsurgical	Euthanized	8/25/2004
5/15/2004	Naseer Spirit	5	Pattah, Shahab	donated	Taken directly from track colicking 12 days	Euthanized	5/15/2004
5/28/2004	Gems Fella	7	Grace, John	250	Ankle fractured- unsalvageable	Euthanized	6/2/2004
6/23/2004	Legendary Halo	4	Hirt, Chett	donated	Lame LF, rested 30 days. Still sore, lame	Euthanized	8/20/2004
6/23/2004	Red Headed Romeo	5	Carrillo	donated	Knee fractured - unsalvageable	Euthanized	7/7/2004
7/22/2004	Winnie's Pooh Bear	6	Bennett/ AAC Stables	donated	X-rays, unsalvageable. Euthanized at farm	Euthanized	8/11/2004
7/29/2004	Crafty Jarrett	5	Gonzalez/ Stokes	donated	LF basilar fracture/RF arthritis	Euthanized	8/9/2004
8/5/2004	Mystery Dreams	5	Stokes	donated	Racing on old screws/pins - new Injury	Euthanized	8/9/2004
8/18/2004	Little Rosa Lynn	5	Leonardi, Hugo	donated	Ankles damaged/over at knee	Euthanized	8/31/2004
8/24/2004	Lord Rambo	4	Stokes/Hayes	donated	Stallion with ankle deterioration	Euthanized	9/2/2004
9/5/2004	Surprise Package	8	Shannon, Jennifer	donated	LF knee fracture/arthritis - nonsurgical	Euthanized	9/21/2004
9/9/2004	Marland	5	Duffy, Helga	donated	X-rays. Enlarged hock. Euthanized per MSU	Euthanized	10/13/2004
9/28/2004	Pablo Diablo	3	Wood	donated	knee fracture Injected 4-5 wks. Pelvis unstable	Euthanized	9/29/2004
9/28/2004	Smart Alix	4	Cecil, Claude	donated	Ankles destroyed/No flexion/injections, etc.	Euthanized	9/29/2004

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
10/14/2004	Touch Of Power	7	Bennett, Gerald	donated	3 legs unsalvageable. Black type winner	Euthanized	11/9/2004
10/20/2004	Truth of the Heart	7	Neph, Mike	donated	Nonsurgical sesamoid fracture	Euthanized	11/5/2004
10/21/2004	Home-town	5	Briggs, Asa	donated	Prior RF surgery unsuccessful. Sore. Lamé	Euthanized	11/11/2004
10/23/2004	Show On Demand	3	Kizer, Karen	donated	Spinal compression. Cannot be girthed	Euthanized	Nov-04
10/26/2004	Favorite Seat	7	Grace, John	donated	Ankles destroyed. Unsalvageable	Euthanized	11/11/2004
9/23/2004	Spirosand-nicholis	6	Rupert, John	donated	Multiple lameness. Positive flexions front and back. 6 months rest and medication—no improvement.	Euthanized	3/2/2005
8/24/2004	Ballistic	8	Stokes/Hayes	donated	Surgery - 9-2-04 basilar fracture..		
10/14/2004	Bringon-therain	4	Benjamin, Kelly	donated	Surgery 3-1-05 hock surgery. 3-1-05. Reevaluate 9-2005		
10/27/2004	Cloda's Joy	2	Martinez, Pedro/ McIsaac	donated	Surgery - 11-9-04 knee chip/torn ligament		
8/31/2004	Jimmy's Move	4	Carrillo	donated	Surgery - 9-2-04 slab fracture of knee		
7/22/2004	Rhythmair	6	Swiat-kowski	donated	crushed heels/special shoes/castration		
11/5/2004	Salinas Regal Luck	5	Leonardi, Hugo	donated	Surgery 12-17-04 ankle fracture		
10/21/2004	Sunset Side	5	Serafine, Flores	250	Surgery 12-6-04 Bowed tendon in race		
9/28/2004	Teazabull	4	Bennett, Gerald	donated	Surgery 9-29-04 LF ankle fracture		
11/5/2004	Thickett's Ticket	5	Leonardi, Hugo	donated	Surgery 12-17-04 bilateral ankle fractures		
2003 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
9/1/2003	Ticketed	4	McBride, Barbara	donated	10 mo.post surgery-still severely lame	Euthanized	7/2/2004

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
9/17/2003	Rambling Native	5	Hollingsworth	250	Pasture rested. Very lame severe arthritis/weaver	Euthanized	7/8/2004
10/27/2003	Hunt The Dream	4	Bennett, Gerald	donated	Awaiting surgery-foundered	Euthanized	1/9/2004
8/20/2003	Bingo Brat	7	Glenn, Dwaine	donated	Knee fracture/infected	Euthanized	8/20/2003
8/6/2003	Blaze of Light	5	Bennett, Gerald	donated	basilar fracture	Euthanized	8/20/2003
10/15/2003	Cat Twister	4	Gregg, Carol	donated	Old rear ankle fracture	Euthanized	11/5/2003
8/12/2003	Deer Be Little	4	Grace/Duke	donated	Slab fracture of knee	Euthanized	8/27/2003
1/13/2003	Great Courage	3	Leonardi, Hugo,	donated	neurologic	Euthanized	4/1/2003
9/17/2003	Kuranda	5	Spanabel, Kelly	250	Knee fractures	Euthanized	10/22/2003
8/11/2003	Musical Miracle	6	Jenkins, Bill	donated	RF ankle/Lknee fractures	Euthanized	8/30/2003
8/24/2003	Private Michael	7	Spiess, Shane	donated	Ankle & knee fractures	Euthanized	8/30/2003
9/29/2003	Royal Escapade	4	Reading, John	donated	Rear leg fracture	Euthanized	10/16/2003
7/20/2003	S.A. River Walk	3	Northrup, Butch	donated	Knee slab fracture	Euthanized	7/23/2003
11/20/2003	Sea of Joy	5	Briggs, Asa	donated	X-rays. Severe ringbone	Euthanized	12/9/2003
9/17/2003	Stylish Tour	2	McBride, Barbara	donated	neurologic	Euthanized	9/29/2003
11/28/2003	Turn to Slew	18	La Fleur, Nick	500	Neglect case at TB breeding farm reported to Hooved Animal Rescue which asked CANTER to handle	Euthanized	12/9/2003
10/25/2003	Untenable	8	Hirt, Chett	250	knees/ankles	Euthanized	11/7/2003
6/13/2003	Vidalia Storm	3	Bennett, Gerald	donated	Slab fracture	Euthanized	7/16/2003
10/25/2003	Voice Port	7	Hirt, Chett	250	multiple knee fractures	Euthanized	11/7/2003
9/1/2003	Air Cadet	7	Wood, Nancy	donated	Surgery - annular ligament		

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
7/16/2003	Fair Hayley	4	Jenkins, Bill	donated	Surgery - cannon bone fracture		
6/12/2003	Grand Horizon	4	Rupert, John	donated	Surgery - ankle fracture		
8/6/2003	Gulfport	5	Bennett, Gerald	donated	Surgery-fractured splint bones		
9/1/2003	Hidden Color	2	Martinez, Pedro	donated	Ankle/knee arthritis/broodmare only		
10/22/2003	Holdde-dough	5	McBride, Barbara	donated	Surgery - ankle fracture		
7/6/2003	Kim Has The Power	4	Martinez, Pedro	donated	Surgery - knee fracture		
8/12/2003	Lady Lure	3	Grace, John/Duke	donated	x knees		
7/28/2003	Pito	5	Martinez, Pedro	donated	Surgery - knee fracture		
5/17/2003	Red Eye Bishop	4	Rupert, John	donated	Surgery - knee fracture		
7/10/2003	T Man's Glitter	6	Reading, John	donated	Surgery - knee fracture		
9/29/2003	Tri N One	4	Iacovacci, C.	donated	Knee fx 10-20 surgery		
10/25/2003	Rockport Gal	3	McBride, Barbara	donated	Surgery 11-6-03		
10/13/2003	Witches' Match	3			Bilateral hock arthritis/light work only		
2002 Horses removed directly from racetrack or farms with injuries needing treatment, surgery or euthanasia							
10/10/2002	A Simple Xpression	4	Leonardi, Hugo	donated	MSU x-rayed, evaluated/rested 10 mos./still lame	Euthanized	8/26/2003
10/1/2002	Bankers Catch	7		donated	Surgery-knee fracture. Rested 9 mos./still lame	Euthanized	7/25/2003
7/3/2002	Betty B's Blaster	5	Bartel	donated	Severely destroyed hocks.	Euthanized	2002

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
5/29/2002	Cherokee Penny	3	Dimi	donated	Fractured knee in a race the night before. Chicago trainer shipping in didn't know what to do so left the horse for us to pick up the next day. Fracture unsalvageable..	Euthanized	
10/31/2002	Dancer's Sparkle	4	Londono, Odin	800	Starved/neglect track case/Club foot surgery/Unsuccessful	Euthanized	2003
10/5/2002	Dancing Laddy	4	Leonardi, Hugo	donated	Hock enlarged with no cartilage. Multiple knee chips in front.	Euthanized	2002
10/19/2002	Decreed	5	Hirt, Chett	donated	Both front ankles destroyed. Unsalvageable	Euthanized	2002
10/12/2002	East Of New Dover	9	Grace, John	donated	Sesamoid fracture, very old. Multiple prior injections	Euthanized	2002
9/8/2002	Fine Air	3	Martinez, Pedro	500	Osteomyelitis rear leg bone	Euthanized	2002
8/31/2002	Halogen	5	Pattah, Shahab	500	Knee fractures, multiple	Euthanized	2002
8/16/2002	Lane's Up At Dawn	4	Hollingsworth	500	Surgery - knee fracture /gelded/ continued lameness/behavior	Euthanized	12/15/2005
10/30/2002	Mr. Doctor	7	Pritchard	donated	Vein infection and bilateral knee fractures.. Arthroscopic surgery with recovery time failed to make him sound	Euthanized	2003
6/22/2002	Poised N Powerful	3	Paquette	500	Severe rotation of coffin bone LF. Sesamoid fracture RF	Euthanized	2002
6/20/2002	Royal Order	5	Londono Jr.	500	Bilateral knee fracture/colicked post surgery	Euthanized	2002
7/28/2002	Rumbling Sound	3	Hinshaw	500	Severe fracture of left knee. Prior joint injections. Extremely lame. Thrush infection in soles of all 4 feet. Hole in sole from severe thrush.	Euthanized	2002
9/21/2002	Synastry's Chime	3	Martinez, Pedro	400	Severe sesamoid fracture. Unsalvageable.	Euthanized	2002

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
8/31/2002	Tenbroke	3	Davis, Joe	donated	Double slab fractures of the knee	Euthanized	2002
10/31/2002	Wild Game	6	Ilicin, Al	donated	Slab fracture/nonriding broodmare only		
7/25/2002	Very Dicey	4	Hinshaw	500	Surgery - tendon. Died of colic post surgery		
6/22/2002	Hesobrite	4	Hinshaw	500	Surgery - knee fractured		
7/28/2002	Lady Juanita	2	Breckenridge	500	Surgery - tendon		
10/5/2002	Monetary's Best	4	Gallagher	donated	Surgery - knee fractured		
11/1/2002	Sweet Riddle	7	Cluely, Andrea	donated	Surgery - Tendon		
5/11/2002	Pick A Runner	4	Londono, Odin	donated	Surgery - tendon		
10/12/2002	Bid Approval	6	Richards	donated	Surgery -tendon		
6/30/2002	Chosen Devil	6	Thibodeau, Pam	donated	Surgery - Slab fracture		
8/30/2002	I'm A Traitor	5	Rupert, John	donated	Surgery - knee fractured		
7/28/2002	Kit Kat Kit	4	Wood	donated	Surgery- tendon		
8/24/2002	Luke's Abc's	5	Mullens, Buddy	300	Surgery- tendon		
11/2/2002	Marcello	4	Iacovacci, Cindi	500	Surgery-both knees fractured		
5/29/2002	Money Blues	3	Spanabel, Kelly	500	Surgery - knee fractured		
6/30/2002	Mr. Austin High	3	Panitch	donated	Surgery - knee fractured		
7/17/2002	Sorry	7	Remling-er	500	Surgery - knee fractured		
8/3/2002	Texas Topper	8	Spiess, Shane	500	Surgery-ankle fracture		
7/1/2002	Panishe	2	Returned	donated	Surgery - fractured jaw		
8/31/2002	Flash Of Lightning	5	Turner	donated	Surgery - knee fractured		

(Contd.)

MI INTAKE	HORSE NAME	AGE	OWNER/ TRAINER	ACQUIRED	MICHIGAN STATE UNIVERSITY or Vet EVALUATED	STATUS	DATE
9/21/2002	La Espuela	4	Leonardi, Hugo	donated	Sesamoid fracture		
12/18/2002	Arctic Course	7	Martinez, Pedro	donated	Surgery - knee fractured		
7/6/2002	Cozy Up To Charlie	3	Grace, John	500	Surgery - knee fractured		
10/5/2002	Jimmie's Annie	3	Bianchi, Jerry	500	Surgery - knee fractured		
10/12/2002	Let's Pretend	4	Rupert, John	donated	Surgery - knee fractured		
10/12/2002	Lights Life	5	Tinkle, Gary	donated	Sesamoid fracture		
10/1/2002	Lucky Mood Dancer	5	Compliment, Chuck	500	Slab fracture		
10/27/2002	Nervous Moment	6	Crone, Mary	donated	Sesamoid fracture		
10/31/2002	River Bluff	5	Ilicin, Al	500	Surgery - knee fractured		
10/27/2002	Jugam-oney	4	Hirt, Chett	500	Eval/suspensory		
10/27/2002	Painted Rebel	10	Hirt, Chett	500	Sesamoid fracture		
6/17/2002	Thunder Dillon	5	Fritz	donated	Surgery for stifle infection. Trainer attempted to close laceration with office staples. Severely swollen, infected, squirting pus from stapled area while moving 3 legged lame.		
NUMBERS MAYBE DIFFERENT IN TABBED SECTIONS BELOW DUE TO LINES THAT CONTAIN HEADINGS OR NOTES.							
TOTAL HORSES FOR 2002 - 2003 INJURED OR EUTHANIZED BY MICHIGAN CANTER FROM ITS RACING INDUSTRY: 282							

There is no magical green field waiting for permanently injured racehorses. There is at best, a needle waiting and far too often something much worse. Racing authorities need to insist that owners take responsibility for injured horses and NOT pass them along, they need to do the right thing and put the welfare first of an animal that cannot speak on its own behalf. To do anything less is irresponsible and inhumane. I want to tell you some of the good stories, to show that if responsible decisions are made, if tougher rules against race-day medications was made, there is life for these animals.

There is an ever-growing demand for Thoroughbreds for Sport Horse Careers. I am lucky in that for every animal we receive whose joints are trashed and must be euthanized, two are retired before that point by owners and trainers who care about them. Due to my limited time here, I have provided several wonderful success stories in the handouts.

Perhaps the most disturbing part of our hard work is that we are trying our best to clean up Racing's mess without financial support from the racing industry. An informal poll of 5 different non-profits revealed that less than 5% of funding came from racing itself. Taking away the much appreciated grants received from Thoroughbred Charities of America and Blue Horse Charities and that number drops still more. Consider this, the re-homing groups get Less than 5% from a billion-dollar industry, to care for the horses they've made their living from.

Simply put, Racing is not bothering to take care of it's own horses, and are allowing the public--often not even racing fans- to take care of the problems. This MUST change. It should be an owner's responsibility to provide veterinary or surgical care when they injure a horse through racing. It should be their responsibility to maintain that horse at during its rehabilitation. Then at that time, they turn the horse over to a re-homing group — healed and sound — and pay a fee for the group to take their horse and use their donated time to find it a good home. Those funds, if they do not come from the owner and trainer need to be set aside through starting fees or percentage of purses.

Couldn't The Jockey Club collect a fee for each horse registered? Could every racetrack collect even One Dollar per starter? Perhaps set aside a tenth of one percent of purse winnings be collected nationwide to pay for these animals. Caring for these animals should not be an afterthought, it should be the FIRST thought.

Racehorse Outplacement Agencies or Re-homing programs are too scarce. It is time to put programs in place at every track in the United States. To do anything less is a disservice to the horses and to the people who want options to do the right thing for the welfare of their horses.

New York Times Article published June 15th states just over 3000 horses died at racing facilities in 2007, which included TBs, STBs and Quarter Horses. It states that this number includes non-race accidents. I'd like to respectfully, yet strongly object to this low number. Nowhere are they accounting for the horses that pulled up, vanned off, and got sent to the sales. Nowhere are they accounting for the animals whose greatest ironic misfortune was to die in CANTER's barn instead of in front of a crowd of race-goers, when xrays of their joints revealed the abuses they have suffered were irreparable.

I am here speaking for the horses who cannot speak for themselves. I am here to represent every group in this country dedicated to their welfare. I am here to implore racing to address these issues.

A FEW THOROUGHBREDS THAT RACING HAS FORGOTTEN

Sully's Silver-Exceller Fund

Gray Gelding; Foaled 2001

by Silver Ghost out of Jessie Wyler (by With Approval)

21 Starts, 2 Wins, 1 Places, 2 Shows Career Earnings: \$43,183

This amazingly sweet horse faces an uncertain future due to injuries sustained from racing. Sully has overcome a number of physical obstacles, but he faces many more. Sully was another horse that came off the track in New York and was in danger of being shipped for slaughter. We paid a dealer to secure him and sent him to the ReRun facility in New York. Upon arrival, poor Sully had a huge abscess on his front foot, and a sore ankle and knee on his other leg. He was also wounded behind his ear where another more aggressive horse bit him. Sully has recovered from the bite wound and the abscess. The ankle has now fused, but the knee continues to be a problem.

An x-ray was taken to find out the extent of the problem, and the result is not good. **The knee has a lot of chips and arthritic deterioration. We are taking things one day at a time with Sully, and as long as any pain can be managed, we are not ready to give up.** Throughout all of this, his caregivers report that Sully maintains a calm and gentle nature. Sully's gift is his ability to forgive. He holds no grudges, and you can't help but be proud of this gelding. We are hoping to find a foster care situation or loving adoptive home in a warmer southern climate that will be able to give Sully one-on-one love and attention.



Sully's Silver

RARE ANGEL – EXCELLER FUND

Dark Bay or Brown Mare; Foaled 1986

A Thoroughbred mare foaled in 1986, Rare Angel was rescued from the feedlot just a few days before she would have been sent to the slaughterhouse. By Rare Prospect out of Adorn by Royal Knight, she has very good bloodlines and has many of the great Thoroughbreds in her pedigree, including Mr. Prospector, Bold Ruler, Native Dancer, Princequillo, and Teddy.

Angel has very bad knees. She is pasturesound but will never be rideable again.

Other than her knees, Angel is sound to live outside and doing very well in her new life as a pasture horse. She is one of The Exceller Fund's pensioners and we will take care of her as long as she lives.



DAVID'S SHADOW–EXCELLER FUND

Gray/Roan Gelding; Foaled 1996

David's Shadow was welcomed into the Exceller Fund family in the beginning of July 2002. He is a large gray, about 16.1 to 16.2 hands, and the rumor is that he is VERY handsome. He had a slab fracture in his right front knee but was injected and raced again. The Exceller Fund was contacted about him by Mylestone Equine Rescue, who took him in immediately. A generous donor paid \$500 to a dealer for him and will, in turn, donate David's Shadow to us.

He has a knee full of bone chips and arthritis. He is not in pain all the time and runs around as much as he can but he will come up lame. Mylestone tells us that he doesn't like to be bathed because he doesn't like water dripping off him. He is sociable and good with other horses although a bit studdish with the mares. They nicknamed him Jules because he is so dashing!



BRAVE MINER-ONE OF RACING'S DISPOSABLE HORSES

Written by Joy Aten



I first saw Brave Miner in 1999. It was opening year of TB racing at Great Lakes Downs in Muskegon, Michigan, and being a lifelong fan of the "sport of kings", I was thrilled to have live racing only 45 minutes from my home. He was larger than life to me...a gleaming chestnut that exuded confidence, class, and dignity. I could only dream of having him as a member of my beloved equine family.

The following year, I became involved with CANTER-Michigan. The Communication Alliance to Network Thoroughbred Ex-Racehorses was only 3 years old at the time, having been started by Jo Anne Normile in 1997 when TB racing took place at Detroit Race Course. CANTER is now one of the leading organizations that transitions TB racehorses off the track when their racing careers have ended.

By 2000, I was on the backside of the track, walking through the shedrows to take listings for the owners and trainers. Brave Miner was now 6 years old and had accumulated 18W, including 4 black type, from 48 starts on dirt and turf, going long and short. He was extraordinarily beautiful, even more so up close, but the wear and tear on his body was already evident. I had never seen ankles that large and misshapen. I was becoming acutely aware of the fate of so many racing TB's, so I made myself and Brave Miner a promise that I would take him from the track before his body and spirit were broken beyond repair.

Over the next 7 years, from 2000 to 2007, I watched and waited...making frequent requests and monetary offers for Brave Miner. On two separate occasions, I was promised him only to have the first promise broken when he was sold to yet another racing owner/trainer for \$500.

By the fall of 2007, the courageous gelding had run an incredible 131 times and had stuffed his connections' wallets with over \$340,000.00 from 31 wins, 18 seconds, and 19 thirds. But in his last several races, as a 13 year old with tired and hurting legs, he struggled to come in anything better than last.

In October of 2007, the second promise made to me by his current owner was one race away...only one more race and I could take him home! It didn't matter to me that he no longer possessed the physical beauty as when I first laid eyes on him 8 long years ago. I just wanted to take him from the place where he had been the best, but due to human greed, had become the place where he was stripped of everything he once was.

At Hoosier Park, on October 13, Brave Miner ran in his 132nd start. As I watched the replay through partially closed eyes with the sound turned down to barely audible, I heard his name called only once and never saw him cross the finish line.

Brave Miner broke bones that night that would never be repaired nor could ever heal. 31 times he had stood in a crowded winner's circle, but on that night, he laid in the dirt alone...only the track vet kneeled beside him, administering the lethal injection to end his suffering and his life. Human greed had taken from that amazing creature...one with a heart few can comprehend and even fewer appreciate...EVERYTHING he had willingly given.

My promise to Brave Miner is broken and so is my heart. But the pain I feel is nothing in comparison to the pain and suffering he endured. There were enough opportunities to retire the overworked warrior and give him a chance to live, but instead, his "people" dug his grave and ran him into it.

Brave Miner's story has no neat and pretty ending...but then, neither did his life.

Joy Aten

Hudsonville, Michigan

Brave Miners Race Record:

In North America / USA

Year	Age	Starts	1st	2nd	3rd	Earnings (USA\$)
1996	2	1	0	0	0	\$125
1997	3	12	6 (1)	2	1	\$97,865
1998	4	14	4 (3)	3	2	\$104,092
1999	5	8	2	1	1	\$27,470
2000	6	3	6	1	2	\$26,249
2001	7	14	2	2	4	\$14,298
2002	8	12	3	3	0	\$14,945
2003	9	13	2	2	2	\$9,860
2004	10	10	1	1	2	\$8,171
2005	11	11	2	2	1	\$16,810
2006	12	13	2	1	1	\$14,179
2007	13	4	1	0	1	\$5,760
Totals		125	31 (4)	18	19	\$339,824

Editorial written by former CANTER Michigan Board of Director Member Joy Aten

I have never responded to any published opinion or editorial before today. But your misconceptions, like the abuses in the Thoroughbred horseracing world, must be addressed.

I have loved and followed horseracing for years, but it has become increasingly difficult to maintain my enthusiasm for a sport that has such disregard for a living creature. As a member of the Thoroughbred racehorse rescue and rehabilitation organization CANTER, I have become painfully aware of the abuses that too many of these magnificent animals endure.

You state that the 1.6 out of 1000 death rate is "hardly evidence of vast disregard". What is conveniently absent from that statistic are the horses so damaged from their racing injuries that death is the only option. They are still racetrack casualties, but are far from the public's eyes. **Winds of Love**, a big dark bay with a huge heart, had 102 starts and ran the majority of his races with hardware in his ankle. That ankle finally could take no more and the gelding was humanely euthanized by CANTER only days after his last race. The Florida-bred **Barbara's Jewel** ran 73 times and was a winner at Saratoga and Belmont, but 4 days after his final race, he limped onto my trailer with a collapsed ankle...euthanasia was his only option. **Sunder Bay**, a 2001 striking chestnut by Mr. Greely, won only one race and made only \$28,000, but his connections continued to race him for a total of 36 starts. Half of those 36 races were in 2007 and were run on a bowed tendon. When CANTER was finally able to take him from the track, 90% of his tendon was torn away from the bone. Again, only days after his last race, euthanasia was all that could be offered the suffering gelding. And these are just a few of the many.

Your "guess that fewer horses receive better overall care...from the day of birth until racing and breeding days are done" couldn't be further from the truth! For a limited number, yes...but for most, no. A recent Kentucky Derby and Preakness winner ran those races with knee chips, according to his trainer in a televised interview. The million dollar colt was "cared for" through the Triple Crown campaign, and his connections reaped the rewards. **Lou's Expectation** likely received the "care" you mentioned while a winner at DelMar, Santa Anita, and Hollywood Park. But when the Valid Expectations gelding could no longer compete at that level, the care and concern for his well-being diminished. The beautiful "Lou" dropped to being a \$5000 claimer in 2005, and in early 2006 he was vanned off the track after one of his 43 starts. Yet he was made to run again. When he was finally donated to CANTER, his owner demanded he be removed the very same day. This aging warrior that made over \$300,000 for his connections didn't even have a stall to stay in. And he left the track with fractured sesamoids in his right front ankle, never to be sound again. **Dream Deliverer**, a 2000 bay gelding by Kentucky Derby winner Sea Hero, was bred by Sez Who Thoroughbreds. This stunner, winner of \$137,000 from 49 starts, came into the CANTER program and onto my small farm in June of 2007. But his good care ended long before his racing days were over. His ankles were damaged beyond repair from injuries that were exacerbated by continued training and racing. He was euthanized. **Cabriolass** ran 34 times with earnings of over \$200,000. 5 of his races were won at Woodbine. His 7th and last win was on October 22, 2007, at Great Lakes Downs. He won that race with a known preexisting fracture. After having to purchase the gelding for \$600 to get him off the track, CANTER had him evaluated at Michigan State University. His films showed large fractures with loss of joint

cartilage...and the knee was in the final stages of arthritis. Good care was in the very distant past for this gallant gelding as well. And these are just a few of the many.

You mention that we "suppose them unhappy because they are trained and ridden...". With no verbal language with which to tell us how they are, we must rely on body language, demeanor, and behavior. And just as Larry Jones, in explaining Eight Belles must have been OK at the end of the race because her ears were pricked, we must then accept that the door swings both ways and translate certain behaviors as the horse is not OK. **Overnight Angel**, a 1998 mare, would literally shake from head to tail as soon as she was tacked up for a race. Her eyes wide and her tail held tightly to her body before running, she consistently trailed the field the entire race and would finish last or near last. But she was kept in racing until the age of nine. **Greenwish**, a 1990 near-black son of Green Dancer, started 85 times during his 8 year career. But as a 10 year old, he tried to show his "unhappiness" by refusing to walk into the starting gate. This was ignored by his trainer and his ears were twisted to get him to load. The gorgeous 5 year old **Storming**, a Wild Again grandson, had 3 wins from 15 starts. Even though he communicated his "unhappiness" well, showing himself very sore, he was not stopped on until he sustained a severe and non-repairable knee fracture. He then stood for 10 days before his trainer called CANTER to donate him. To save the suffering horse from the additional pain of transport, he was euthanized at the track. But he spent the last 10 days of his life with no pain medication...at all...at anytime. **Siphoned** had a "bad knee", but a big heart and alot of class. So when he could be picked up for a mere \$500, the Siphon gelding went to what would be his last owner and trainer. Raced with that bad knee, it shattered in his final race. CANTER received the broken-down gelding and humanely euthanized him. The bay gelding had shown he was not OK prior to that last and fatal race, but no one chose to acknowledge it. And these are just several of many.

You liken horses that get injured romping in pastures to those that suffer injuries on the track. Accidents happen and horses die. That is true, but when fame and fortune are at the finish line, horses are pushed beyond their limits to reach it first. A paddock or pasture accident is just that...an unfortunate accident with no human involvement. But put a jockey on their back, drugs in their system, and the pot of gold at the end of the race, and calling it an accident truly minimizes the tragic event. The public's reaction to a paddock accident, such as Saint Liam's, as opposed to their reaction to a track breakdown might certainly be a warning signal that something is amiss. But it makes one feel better to just dismiss racing deaths as "part of the business" and reminding the public that horses break their legs playing in their owners' pastures or while cantering on a trail ride. But were these latter two money-driven?

The mention of the \$30,000 operation for the "expensively coddled" horse...you must realize that \$30,000 is a drop in the bucket when you are talking about a horse that had a purchase price of millions, and whose winnings after the operation will hopefully be in the millions. Expensive procedures aren't coddling, but are in fact done to get the maximum return on a pricey investment. Surgical straightening the legs of yearlings, whose legs would likely straighten on their own if given the time, makes them more attractive and correct in the auction ring and drives the purchase price higher.

Mention of the good care these horses receive also included the breeding farms. **Untamed Irish** was found starving and lice-ridden at the farm. Fortunately, she was rescued 2 weeks before her tiny foal was born after a difficult delivery. I have witnessed and have been given first-hand accounts of emaciated mares with scant haircoats and weak foals at their sides and a mare that was found cross-tied late on a cold January night, her newborn foal

lying behind her, its tiny body partially frozen to the cold cement. A 3 year old filly at the farm was starved to where euthanasia was all that could be done for her, and the three 2 year old colts that were urine-soaked and manure-covered stood day after day in a dark barn with a stench so strong that it made breathing difficult.

I have more stories and many names, but I hope it doesn't take more than these mentions to open some eyes. And I'm sure some will say "well, those are the cheap horses"...I have heard it before. But the thing is, imperfect humans assign value to these horses. The 16 million dollar purchase The Green Monkey was a dud on the racetrack, where as the \$7500 dollar yearling purchase **Top Bunk** made over \$550,000. The Green Monkey's failure on the track shouldn't make him any less worthy of respect and true value as a living, breathing, and feeling creature on this planet. And the same should be expected for those with small purchase prices or no to little return of their owners' investments.

I don't feel that being responsible caretakers of the animals that we have domesticated and, in the case of the racing Thoroughbred, have created a sport for our entertainment and financial gain is too much to ask or expect. It's a sad fact that some humans need to be "dictated to regarding what they can or cannot do". Look around and see the evidence of outright defiance of rules and regulations created to protect the racehorse from neglect and abuse.

Horseracing doesn't need any new laws to bring it to an end. Its demise will be brought on by those that have poisoned the true beauty and the pure competition of the sport...those that have total disregard for the welfare of the ones on whose backs millions are made.

Thank you for your time.

Joy Aten

Hudsonville, Michigan

Momentum Gains for Changes in Claiming Rules

Email Print RSS

Date Posted: December 8, 2006

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Hall of Fame trainer Richard Mandella, speaking at Symposium on Racing & Gaming. Photo: Michele MacDonald

By Michele MacDonald

A suggestion from Hall of Fame trainer Richard Mandella that rules for claiming races be changed to protect against horses with physical problems being passed along as "hot potatoes" to someone else appears to be taking root.

"There's been a great response — positive — to it, and I think something will happen," Mandella said this week during the Symposium on Racing & Gaming in Tucson, Arizona.

Participating on a panel called "Equine Career Counseling," Mandella said that, in addition to his original idea that claims should be voided for horses that do not finish races, another possibility would be to change claiming events to races in which runners are sold through an auction system after they compete. That format would allow prospective buyers to examine horses' soundness immediately after racing **and thus would be an incentive for owners and trainers to provide runners with rest or treatment if they have physical ailments rather than using medications that allow continued racing even if a problem is lurking.**

"**This would encourage people to stop and fix the problems,**" said Mandella, who first raised the general issues involving claiming races and unsound runners during the Welfare and Safety of the Racehorse Summit in Lexington in October. He has strongly urged the industry to take action.

Ed Bowen, president of the Grayson-Jockey Club Research Foundation, which coordinated the summit with The Jockey Club, said on Wednesday at the Symposium that he thinks that American racing leaders will follow up on Mandella's proposal and make changes in the system.

"I think it's got a lot of resonance," Bowen said of reaction so far.

Some of those from which Mandella said he has received an initial positive response are Santa Anita Park Racing Secretary Rick Hammerle and John Harris, an owner and breeder who is a member of the California Horse Racing Board. Dr. Rick Arthur, the CHRB's equine medical director who also was attending the Symposium, agreed that some action would be in the best interests of both horses and prospective owners.

"There are different ways to slice this cake. We just have to figure out what works and is palatable," Arthur said, noting the high costs involved with some surgeries and resulting off time that lead to use of medications as temporary fixes. "The problem is that no one in horse racing ever likes to change."

Bowen said future debate on the overall topic likely would include how rules about voiding claims could be written to fairly encompass a variety of situations. For example, if a jockey pulled up a horse before the finish line, fearing something was wrong, but no physical problem was detected, perhaps a claim on that horse should not be voided. On the other hand, any new rules should not influence riders to avoid easing runners who are in distress, he said.

As far as an auction system goes, post-race sales have been conducted in England and were a part of early American racing tradition, although Bowen said those events, which were called "selling races," disappeared in the United States around the 1920s.

Regardless of which approach might be adopted, Bowen described the proposed changes as having an "exciting potential" to discourage the racing of unsound horses. There could be many benefits, including fairer and safer competitions and more opportunities for future careers for Thoroughbreds.

"To this day, we have far more people looking for sound racehorses to adopt than we have sound racehorses available for adoption," Diana Pikulski, executive director of the Thoroughbred Retirement Foundation, said while participating on the Symposium panel with Mandella.

New York Times articles:

The New York Times

June 15, 2008

Deaths in Racing

In the wake of Eight Belles's breaking down and being euthanized after finishing second last month in the Kentucky Derby, a House subcommittee on commerce, trade and consumer protection asked for the number of horse racing fatalities in the past five years. These numbers were culled from 19 of the 38 racing jurisdictions, and include all breeds — standardbreds, quarter horses and thoroughbreds. In some cases, the deaths were not caused by catastrophic racetrack injuries, but natural illnesses as well as training accidents.

JURISDICTION	5-YR DEATHS	STARTERS	DEATH PCT.
Washington	170	39,806	0.427%
California	749	350,000	0.214
New Mexico	61	29,939	0.204
Louisiana	150	76,247	0.197
New Jersey	75	38,871	0.193
Oregon	61	32,540	0.187
Kentucky	208	114,668	0.181
Maryland	130	71,953	0.181
Minnesota	42	27,090	0.155
Iowa	58	40,900	0.142
Delaware	141	101,583	0.139
North Dakota	10	7,280	0.137
Texas	198	146,452	0.135
Virginia	23	18,057	0.127
Indiana	103	130,200	0.079
Ohio	289	387,000	0.075
New York	388	521,703	0.074
Illinois	173	278,714	0.062
Colorado	6	14,558	0.041

Source: Racing Commissioners International

AP IMPACT: AP FINDS 5K HORSE DEATHS SINCE '03

By JEFFREY McMURRAY – June 14, 2008

LEXINGTON, Ky. (AP) — Thoroughbred racetracks in the U.S. reported more than three horse deaths a day last year and 5,000 since 2003, and the vast majority were put down after suffering devastating injuries on the track, according to an Associated Press survey.

Countless other deaths went unreported because of lax record keeping, the AP found in the broadest such review to date.

The catastrophic breakdown of filly Eight Belles at the Kentucky Derby last month made the fragility of a half-ton horse vivid for the millions watching, but the AP found that such injuries occur regularly in every racing state. Tracks in California and New York, which rank first and sixth in thoroughbred races, combine to average more than one thoroughbred death for every day of the year.

Questions about breeding, medication, synthetic surfaces versus dirt and other safety issues have dogged the industry for some time, and a congressional panel has asked key players in the sport to testify this week about its direction, particularly the influence of steroids.

The AP compiled its figures from responses to open records inquiries sent to the organizations that govern the sport in the 29 states identified by Equibase Co., a clearinghouse for race results, as having had at least 1,000 thoroughbreds start a race last year.

Arkansas, Michigan, Nebraska said their organizations don't track fatalities at all, and only one of Florida's three main thoroughbred tracks provided numbers. There were wide differences among the other states in what types of deaths are monitored and how far back the records go.

"Nobody really knows how big of a problem it is," said Rick Arthur, California's equine medical director. "They just know it's a big problem."

When a horse breaks a leg — let alone two, as Eight Belles did — often the only choice is to euthanize the animal. A thoroughbred's bones are thinner than most breeds. Usually it's not possible for the horse to lie down for long periods because that could disrupt the blood flow to the arteries in the lower limb, causing an extremely painful hoof infection called laminitis.

Barbaro, who won the Kentucky Derby in 2006, broke down in the Preakness and was euthanized with laminitis several months later after a gallant effort to save him.

Despite the regularity of such breakdowns and the money involved in the sport, no one is certain how many horses are lethally injected on the nation's tracks each year. The Jockey Club, which registers all North American thoroughbreds, did not know of another comprehensive, state-by-state tally of fatalities at tracks before the AP's, said Bob Curran, a Jockey Club vice president.

Larry Bramlage, the on-call veterinarian at Churchill Downs in Louisville, Ky., who made the grim announcement that Eight Belles had been euthanized after the Derby, said fatality numbers don't seem to be dropping, despite major medical advancements. To Bramlage, that suggests racing injuries are becoming more frequent because vets are already pulling the most injury-prone horses before post time.

"We're able to pick them up better, with digital X-rays, bone scans and MRIs, which give us the information we need to take those horses out of training," Bramlage said. "In spite of that fact, we're not denting the total number of deaths."

California officials became alarmed in 2005 when the number of thoroughbred racing deaths there spiked by nearly 50 percent from just two years earlier. Last year, 314 horses — 261 of them thoroughbreds — died at California's tracks, including those hurt in training or barn accidents, and a few that suffered other injuries or medical complications.

"Just seeing the totals and the recurrent theme, it's eye-opening," said Bon Smith, assistant director of the California Horse Racing Board.

Beginning this year, California has mandated that all its major tracks replace their dirt surface with a synthetic mixture found in some studies to be safer for horses and jockeys.

While California's thoroughbred fatalities are nearly triple those reported by any other state, its warm weather and bounty of tracks make it the nation's busiest racing state. And it has received high praise across the industry for the way in which it tracks deaths — every death that occurs on the public grounds of a California racetrack is recorded in detail, largely through veterinary reports.

Some other major racing states have no records of fatalities that occur during morning training exercises, even those that happen on the tracks where races are run in the afternoon. Kentucky listed 228 deaths since 2003, but none of them from training accidents, which in some states that track them account for nearly a third of the total.

Other states, such as Colorado and Iowa, run mixed breed meets, in which quarterhorses might appear in one race a day while thoroughbreds make up most of the rest. Often, these states list the deaths only by meet, not breed, although veterinarians say the more muscular torsos and spindly ankles of thoroughbreds make them more susceptible to injury.

Many states that do closely track horse deaths haven't been doing it for long. New Mexico counted 52 deaths in 2007, but its racing commission said it had no records before that.

Some states that do monitor deaths don't differentiate between horses that die in freak accidents in their barns, for instance — the consensus is that such deaths are rare — and those that break down training or racing and are destroyed.

Such discrepancies have made the task difficult for Mary Scollay, a veterinarian at two Florida racetracks who has created a uniform national injury reporting system that aims to record every thoroughbred fatality. Scollay, who next month will become Kentucky's equine medical director, said 65 tracks are participating in the program now, but only 30 have compiled a full year's worth of data.

She declined to release the preliminary numbers, explaining the sample size is still too small to draw conclusions. It could take years, Scollay said, before major trends can be identified.

"Certainly we know more than we did last year at this time, and one fatal injury is one too many," Scollay said. "We know we need to do better. I think within the last few weeks, there's been a mobilization of the industry to do some pretty serious things."

Those who own and handle the animals stand to lose plenty when a horse is put down.

Timothy Capps, a professor at the University of Louisville's equine industry program, said most racehorses don't carry mortality insurance. The ones that do typically carry only a fraction of their projected value as a stallion or mare, Capps said.

After the gruesome breakdown of Eight Belles, the Jockey Club created a national panel to examine safety, and the Kentucky Horse Racing Authority did the same on the state level.

Among the topics being reviewed are track surfaces, medication (particularly steroids), the use of the whip by riders, and whether — as Bramlage suggests — thoroughbreds are becoming less durable because they're being bred to emphasize speed rather than stamina early in their careers.

"Those that do get hurt maybe get hurt worse because of their speed and size," said Larry Jones, who trained Eight Belles. "A good big horse will outrun a good little horse, and they can be more fragile because their legs and joints have to hold a lot more."

A House Energy and Commerce subcommittee has asked states for the figures they have on fatalities ahead of a hearing scheduled for Thursday.

Of particular interest to Congress is the influence of steroids, which were legal this spring in most racing states including Kentucky, Maryland and New York — which host the Triple Crown races.

Those advocating a steroid crackdown got ammunition when Big Brown, who easily won the Kentucky Derby and Preakness Stakes with the steroid Winstrol still in his bloodstream, ran the Belmont without it and finished last.

Rep. Ed Whitfield, R-Ky., said steroids should be banned — not regulated — in horse racing but questions whether the sport has the ability to police itself.

"There are enough people I have great respect for who say this industry is really beginning to be in trouble," Whitfield said.

Hall of Fame trainer D. Wayne Lukas said the sport gets a bad rap for what he believes it does best — take care of the animals.

"There isn't a trainer worth his salt that doesn't look into this 24 hours a day," Lukas said. "I'll guarantee you that if any one of those purists who feel like it's an abusive sport would spend two weeks in my barn, they'd walk away a different person and have a greater appreciation for the care. Animals don't have a say in it, but when they get to this level, they have a pretty good deal going."

Making the Right Decision

For every sad story we are faced with every day, there are good stories. Horses that were not pushed beyond their limits. Horses that were not given injection after injection into tired joints. Horses that were not given drugs—legal and illegal, until they were used up.

This is our chance to show that if the right decision is made, the decision to retire a horse before it is too damaged, they can have value and **life** outside of the racetrack.

There is another life waiting for these horses.

SO WHAT HAPPENS WHEN THEY DON'T RUN THE LEGS OFF A THOROUGHBRED WITH NO TALENT (AT RACING)?

Written by Denice Klinger



Welcome Back, a 1992 TB should have been a winner on the track, if for no other reason than everything his dam produced that made it to the track was a winner. And usually a stakes or allowance race winner at that. Welcome Back was born to it – he was elegant and well balanced, he *looked* the part. He was *bred* to the part.

He was a dud.

His breeding suggests he might have been happier on the turf going a mile and a half, but there aren't a lot of those races for maidens so he was a spectacular failure as a 2 year old running shorter distances on the dirt at Belmont. Still, there was that breeding. The temptation to run him down the levels must have been there, and "rock bottom" is a long, long way from Belmont. So maybe it was Welcome Back's stroke of good luck that he mildly strained his tendon – the mildest of mild bows. His next stroke of good fortune was that he was owned and trained by people who just didn't think the now three year old dud was worth any more of their time and money. So they contacted the person who handled their racehorses when they needed some R&R and asked if he knew anyone who would take Welcome Back off their hands. He did. He called her and asked her if she wanted Welcome Back. She did.

So Denice Klinger became Welcome Back's new owner early in his four year old year and she took him on to his new career, as a hunter competing in shows recognized by the

United States Equestrian Federation. This is where Welcome Back, now known as “Kings and Vagabonds” showed what all that breeding, elegance and balance was meant for. Not only was he good at his job, he was - and is - great at his job. He has placed in top shows from West Palm Beach to Lake Placid, and his awards include numerous champions and reserve champions in the adult amateur division at shows, year end reserve champion in his state association, first in the Performance Horse Association’s zone awards and top 10% in the United States Equestrian Federation’s zone awards on multiple occasions.

The ironic thing is that horses that compete in these divisions can cost anywhere from the mid five figures to low six figures. Welcome Back is worth FOUR times the value he raced at, and that assumes he’d been successful at that level. But the likelihood he would be that same valuable, successful horse in this second career if his trainer/owner had not stopped on him early is almost nonexistent. His current job isn’t as tough as racing, but it still has zero tolerance for a horse who hurts.

The really important thing is he has a good home and an owner who enjoys every day of their partnership in and out of the show ring for the last 12 years. But it’s also important to recognize that he has a job and a value, because a horse who has those things is an important part of the economic machinery that is equestrian sports in this country. It’s not just racing that employs people and uses goods and services, competitive horse sports also generate jobs and use goods and services.

A Feel Good Story



Comp, a 2000 model gelding by Top Account, was an allowance winner at Suffolk Downs who earned a great deal of money for his connections. He was starting to show some wear and tear, and his trainer, a very caring man named Chris Rubera, refused to push him at

the allowance level for fear of getting him hurt. At the same time, while many trainers would have simply dropped the horse into a claiming race to get rid of him and pick up a check, Chris wouldn't go that route either. He instead approached us and said he would like to donate Comp to CANTER New England so that we could find a good home for his sweet and hard-working "bread and butter" horse.

As luck, and maybe fate, would have it, we found an approved adopter who was originally interested in another horse. She saw Comp, however, and realized she had "met" him at the track when he was a 2-year-old! It was love at second sight, and she took him home to her farm in New Hampshire. Now known as "George," he is a very happy "pet," trail horse, and companion, and Chris has already come to visit him. Chris has been so supportive of the CANTER rehoming program from day one, and is proof that trainers who care and who make the right decision for their horse, can see those animals into new homes.

Freedom On the Wind



Freedom was donated to us by his owner, Paul Rodliff. Paul is known for taking excellent care of his horses and has also donated a second horse, The Lights Are On, who is currently in foster care. Freedom, a KY-bred son of Fly So Free, was a good racehorse, but was slowing down competitively due to some lumps and bumps and nagging leg issues. Paul didn't want to push the horse and risk a serious injury. He tracked us down to inquire about the best route for ensuring Freedom's safety and well-being now that his racing days were over.

Freedom was eventually adopted by his foster mom, Liz Goldsmith, who does volunteers her time doing Public Relations for CANTER. He is now a healthy, gorgeous boy, stabled at a beautiful farm west of Boston, MA. He has also competed in several of our benefit hunter paces.

Lone Fan – aka Gumby

(Told by Allie Conrad, Executive Director,
CANTER Mid Atlantic)



When I first received the call from Lone Fan's owner, I found myself doing the math in my head as to where he could go. We were full, and low on funding. His story inspired me to find a way.

As his owner told me about his successful racing career and sad breakdown in the stretch of his last race, I found myself thinking "Wow". Gumby, as he was known around the barn, had one last race before he was to retire. His owner invited all of his family and friends to send his horse off in style, and described the moment he saw his beloved horse tumble in the stretch of a Turf race at Laurel.

"He dislocated his pastern" he said. But that was more than a year ago. You see, this owner loved this animal and he decided to do right by him. Surgery was arranged, followed by intensive stall rest and gradually, months later, he was hand walked on the fragile leg. A year later Gumby was happily galloping the fields of his layup facility. Dave, his owner, went on to describe the humongous vet bills Gumby incurred. I remember asking him why he spent so much money and time to fix his horse, when so many people would have just euthanized him or sent them off to the sale. His answer resonates with me to this day:

"It wasn't his fault he got hurt"

Because this caring owner took the time to heal his broken horse, and then the time to find it a loving home, he thrives as a dressage and trail horse with his new owner. Please find her account below:

From Gumby's new owner: When I first saw Gumby at his foster care home, I fell in love with him. He was like a big puppy dog. I had to have him. I already had another TB gelding, so Gumby had a buddy to pal around with. They have been best buds from the moment they met. Since the first day home, he has been wonderful. He is so laid back. On his first trail ride that summer, he acted like he had been doing trails for years. He was so quiet and enjoyed his walk in the woods.

Since then, we have done many overnight camping trail rides. He is wonderful on the picket line and enjoys those late night snacks. He loves to go out and is always eager to get on the trailer. Going out alone with him is no problem. We don't do much jumping other than the occasional log on the trail. He really enjoys water.

He is such a good boy and loves his new career. I am so lucky to have been able to get him and give him the easy life he has (don't ask him about that after a 5 day ride). Thank you CANTER!

Lisa DeLauder, Maryland

Chapter 2

THE REGULATORY VETERINARIAN*

Mary C. Scollay

I served as a racetrack regulatory veterinarian for 20 years, having been employed as Association Veterinarian at Balmoral Park, Sportsman's Park, Arlington Park, Hawthorne Racecourse, Hialeah Park, Gulfstream Park and Calder Race Course.

My charge as a regulatory veterinarian is to prevent injury; mitigate injury should it occur; and afford prompt, humane euthanasia when an injury cannot be mitigated. Very simply, my obligation is to the horse and I answer to my conscience.

In order to meet my responsibilities to the horse, my activities include: pre- and postrace soundness evaluation; triage of racing injuries; medical record keeping; implementation of pre- and post-race testing programs; research collaboration with academic institutions; management of herd health, equine infectious disease and environmental disease issues; policy development and rule making; racetrack media representation; and liaison between horsemen, racetrack management, governmental regulatory agencies, and private veterinary practitioners.

The role of the racing regulatory veterinarian has dramatically expanded in recent years while, unfortunately, the number of regulatory veterinarians has not. Effective regulatory service requires a complex skill set and the racing industry must work creatively to attract and keep qualified individuals in these positions. Further efforts must be made to efficiently utilize their skills by delegating non-veterinarian specific tasks to qualified staff.

As the focus of this panel is racing injuries, the following is a general description of race day injury prevention measures taken by regulatory veterinarians:

- 1) Morning pre-race exams assess the horse in the stall and in motion.
- 2) Horses are monitored by a veterinarian from the time they arrive in the paddock until they have safely exited the course after finishing the race. This includes observation of all horses warming up pre-race, in the starting gate, during the race, after finishing and prior to returning to their barns. At any time up to the start of the race, the

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

regulatory veterinarian has the authority to require a horse be withdrawn for health, safety, or soundness concerns.

- 3) Horses with questionable status post-race are re-evaluated later in the day and/or the following morning.
- 4) Horses determined to be injured or unsound are declared to be ineligible to enter to race until their condition has been addressed to the satisfaction of the regulatory veterinarian.

This protocol is comparable to an individual being accompanied through each work day by a risk assessment advisor and emergency care physician.

Injury Reporting

Racing regulatory veterinarians have maintained racing injury records for many years; medical record keeping is not a new concept. However, it became evident when Barbaro was injured in 2006 that there was little commonality in the ways that records were established and maintained. Regulatory veterinarians at racetracks across the country were asked questions about injury type, frequency, and outcome. They were questions for which answers did not exist.

A national, standardized on-track injury reporting program was needed. An objective, scientific approach would be necessary to responsibly address the emotionally charged problem of racing injuries. Speculation swirls around each racing injury and it is important to remember that the plural of anecdote is not fact. While individual factors have been offered (some proved, some posited) as sources of increased risk, it is important to remember that racing injuries are multifactorial in origin. The interaction between multiple factors may likely be more important in injury generation than the identification of any single factor.

At the 2006 Grayson Jockey Club Welfare and Safety Summit I presented a proposal for a national standardized on-track injury reporting program. Over the next several months I contacted regulatory colleagues to solicit their participation. They, in turn, went to their racetracks or racing commissions to promote the program and secure authorization to participate. The program was initiated June 1, 2007 with commitments from 25 racetracks. Within a few weeks of announcing its start, the number of participating tracks was 34. Racetracks that had not been approached to participate requested to be included.

60 racetracks have committed to reporting in 2008. This number represents all but 3 racetracks that were asked to participate. These tracks represent a large number of race starts, but data submitted is representative only of those reporting tracks. To be a national program, all tracks must participate. Currently this program is voluntary but reporting should be required for all premises that conduct parimutuel wagering on live Thoroughbred racing.

Since inception, and through June 15, 2008, 2755 reports have been submitted. These reports reflect:

- 1) pre-race scratches initiated by regulatory veterinarians, (AM exams or on track) due to injury or unsoundness
- 2) non-fatal injuries observed by regulatory veterinarians on-track or at post-race testing sites

- 3) fatal musculoskeletal injuries sustained racing
- 4) racing fatalities due to other than musculoskeletal injury

The on-track injury reporting program has been underwritten by the Jockey Club. Incompass (a division of The Jockey Club Information Systems) has developed a secure on-line reporting module that will be launched in the very near future. The on-line reporting system is being provided as a service to the industry; there will be no user fees for reporting into the database.

Industry shareholders including the Racing Commissioners International (RCI), the Horsemen's Benevolent and Protective Agency (HBPA), the Jockeys' Guild have given strong support to this program. Many state racing commissions, racetrack managements, individual owners and trainers, as well as local industry affiliated groups have endorsed the program. We will continue to reach out to them, and others, in our efforts to increase program participation.

The on track injury reporting program was initiated as a Thoroughbred specific system. Currently the system is being reviewed to identify data collection modifications that may be required for implementation in Quarter horse racing.

Phase 2 of the reporting program has been initiated as a pilot program and expands reporting to include training, post-race detected, and non-race related injuries. The collection of comprehensive and reliable data regarding training injuries is substantially more complex than that of race-related injuries. Scientific studies indicate that catastrophic racing injuries are the result of cumulative events, injury occurrence must be tracked comprehensively if precursors to catastrophic injuries are to be identified.

It is intended that this injury database will generate valid, composite statistics that identify national injury rates. Beyond that, it is hoped that this epidemiologic database will allow the identification of markers for horses at increased risk of injury and enhance injury prevention strategies. There is no end-point for data collection; this is by design a standing program. Over time, and as the database increases in size, it will be possible to investigate interactions between identified risk factors and ask more sophisticated questions with regard to injury prevention. With continued industry support this database will serve as a key scientific tool in protecting the health of the equine athlete.

The following is a list of tracks participating in 2008:

Aqueduct
Arlington Park
Bay Meadows
Bay Meadows Fair
Belmont Park
Calder Race Course
Canterbury Park
Churchill Downs
Colonial Downs
Del Mar
Delaware Park
Delta Downs
Ellis Park

Emerald Downs
Evangeline Downs
Fairgrounds
Fairmount Park
Fairplex
Finger Lakes
Fonner Park
Fresno
Golden Gate Fields
Gulfstream Park
Hawthorne Race Course
Hollywood Park
Hoosier
Humboldt Fair
Indiana Downs
Keeneland
Kentucky Downs
Laurel Park
Lone Star Park
Los Alamitos
Louisiana Downs
The Meadowlands
Monmouth Park
Northlands Park
Oak Tree at Santa Anita
Penn National
Philadelphia Park
Pimlico
Portland Meadows
Prairie Meadows
Presque Isle Downs
Remington Park
Retama
Sam Houston
Santa Anita
Santa Cruz @ Sonorita
Santa Rosa
Saratoga
Solano (Vallejo)
Stampede
Stockton
Suffolk Downs
Tampa Bay Downs
Timonium
Thistle Down
Turfway Park

Woodbine
Woodlands
Yavapai

Thank you for participating in the racing injury reporting program. I'm optimistic that this program will provide useful information to the industry as whole as well as individual racetracks and I am grateful for your contribution of time and energy. This success of this program is dependent the support of the racing regulatory veterinarians.

The official reporting start date is June 1, 2007. Some jurisdictions may elect to complete and submit forms prior to that time in order to have a complete meet's data recorded in the same format. For the purpose of national statistics, only data collected June 1 or later will be used.

All information submitted will be coded; no identifying information will be included in the database Injury report forms are to be assigned case numbers by the reporting veterinarian as follows:

XX - 07 - 001
Racetrack code-year-individual case

While data submitted will be used to generate national statistics, individual racetrack data will returned to the submitting veterinarian in a database format for analysis at the discretion of that individual. No racetracks will be able to be identified by name or data submitted. No comparisons will be made between individual racetracks.

Form Completion

If you are able to provide the name of the injured horse and the date of the injury it is not necessary for you to complete the fields outlined. That information will be accessed through the Jockey Club Information System.

If you will be providing horse names, please send a condition book with your first submissions.

The claiming price factor is determined by dividing the claiming price of the Injured horse by the lowest claiming price in that category (maiden, open, beaten) at the race meeting. It is hoped that this will provide an ability to identify comparable populations of claiming horses despite variability in daily purse distribution and claiming prices between racetracks.

Allowance Races

For 'non-winners of a race other than', please indicate 1, 2 or 3 on the line next to NWX

For **starter allowance races**, please indicate the claiming price criteria and also complete the claiming price factor in the claiming section. (It is likely that starter allowance horses will be included in claiming horses for the purpose of data analysis.)

RACE DATA			HORSE DATA			Resident Status		
Surface	Race Class/Condition	Distance	Field Size	Age*	Weight Carried			
Dir	Claiming Price \$ _____	One turn: < 5 f	Final Time	_____	_____	Ship-in		
Synthetic	Price factor _____	5 f				Post Position	_____	>1-10 days
Turf	Price factor _____	5 1/2 f						Track Resident
Condition	Mud Bog Ops	6 f	Pacing	Sex	Class	Previous Start		
Fast	Allowance Furor \$ _____	Two turns: 6 f	by _____ DDF	Col / Horse Filly / Mare Gelding / Reg	No change NA	by _____ DDF NA		
Good	Mud	6 1/2 f	Jockey	Life Starts	Speed Figures	Last Pub Work		
Muddy	Mud	7 f	Apprentice	Life Earnings	Wins	Date		
Sloppy	Mud	7 1/2 f	Journeyman			Time	Rank	_____
Wet Fast	Mud	7 1/2 f	Injured: Y N	Claim History-previous 6 months				_____
Dir	State Furor \$ _____	Mile 1 mile 70 yd 1 mile 1/16 1 mile 1/8 1 mile 3/16 1 mile 1/4 1 mile 3/8 > 1 mile 3/8	0 1 2 3 >3		_____			

Claiming
Price
\$ _____
Price factor _____

For **optional claiming races**, report data based on race condition under which injured horse was entered—either claiming or allowance.

Provide **Birth month** for 2 or 3 year olds.

It is not required that you provide **pre-race inspection findings**. If you choose to report that information, please provide a key for abbreviations/terminology used with your initial submissions.

Shoeing information identifies shoeing of the injured leg(s).

Please complete the injury section using the keywords provided on the second sheet. This will permit data searches based on specific diagnoses. If a diagnosis is not available, do not speculate. It is understood that there may be limited ability to follow up on some cases—i.e. ship-ins. Please note that there may be multiple injuries to a single limb or injuries to multiple limbs. Please indicate them separately as shown below.

	Limb	Category	Anatomic Region	Site	Injury Description
A	LF	Joint	Fetlock		Disarticulation closed
B	LF	Fracture	Distal Limb	Ses-biax	Comminuted
C	LF	Soft tissue	Flexor tendon	SDF/DDF	Rupture
D	RF	Other			Grabbed 1/4

Triage Scoring is an attempt to identify case clinical presentation. Scoring is as follows:

- 0 No lameness observed on track
- I Grade III or less lameness, no obvious limb deformity/deviation
- II > Grade III lameness, no obvious limb deformity/deviation
- III Mild to moderate limb instability in 1 plane (closed injury)

- IV Severe instability in 1 plane (closed injury)
- V Severe instability in 1 plane (open injury); Severe instability in 2 or more planes (open or closed injury); open injury to joint or tendon, down horse

Stewards' Action—Pertains to objection/inquiry associated with the injured horse. If no inquiry/objection or if inquiry/objection is not associated with the injured horse, mark NA.

Prognosis: The subjective opinion of the regulatory veterinarian and/or the attending veterinarian

Outcome: Objective information based on actual case outcome

Send completed forms to:
Mary C. Scollay, DVM
Calder Race Course
PO Box 1808
Miami, FL 33055-0808

Please plan to send submissions no less frequently than once a month to permit prompt data entry and avoid end-of-the meet/year data pile ups.

If you have any questions, please contact me at: (305) 799-5049 or scollayvet@aol.com

Thank you again for your support of this project.

Limb	Injury Category	Anatomic Region	Site	Injury Modifiers
LF RF LH RH BF BH All 4 Unknown NA	UNKNOWN			
	FRACTURE	Distal limb	Sesamoid-med Sesamoid-lat Sesamoid-biax MC ₃ / MT ₃ Carpal bones P ₁ / P ₂ P ₃ Splint-med Splint-lat Tarsal bones	Chip Condylar Cortical Oblique Slab Spiral Transverse Closed Compound Degloved
	NON -FRACTURE	Long bone	Humerus Femur Radius/Ulna Tibia	Lateral Medial Sagittal Proximal Distal Mid Dorsal Palmar Plantar
		Axial skeleton	Skull / Spine Pelvis	
	SOFT TISSUE	Suspensory	Medial branch Lateral branch Body / Origin Check ligament Distal Ses. Lig	Proximal 1/3 Middle 1/3 Distal 1/3 Dist. to fetlock Origin Desmitis Tendinitis Bow Avulsion Failure / Rupture Lacerated/Severed
		Tendon Tendon Sheath	SDF DDF CDEXT	Strain Myalgia/Myositis Reinjury
		Muscle _____ Other _____		
	JOINT	Fetlock Carpus Interphalangeal Stifle Hock Other _____		DJD / OA Subluxation / Luxation Disarticulation Open / Closed D/P instability M/L instability
	OTHER -MS			Laceration Puncture Grabbed ¼ Other Run down sore Hematoma Foot bruise
	NON -MS			Post exertional distress / Heat Stroke Synchronous dia. Flutter Cardiac arrhythmia EIPH—external hemorrhage Sudden Death Other _____
Triage Scoring				
0	No lameness observed on track			
I	Grade III or lower lameness; no obvious limb deformity			
II	>Grade III lameness; no obvious limb deformity			
III	Mild to moderate limb instability in 1 plane; closed injury			
IV	Severe instability in 1 plane; closed injury			
V	Limb instability in 2 or more planes / loss of column of support (open or closed); open: fx/joint capsule/tendon sheath			

Date: / /

Track: _____ Race: _____

Horse: _____

Trainer: _____

Reporting Veterinarian: _____

Attending Veterinarian: _____

CASE #: _____ - _____ - _____							
Surface	Class/Condition	Distance	Field Size	Age*	Weight Carried	Residence Status	Intervals
Dirt	Claiming Price \$ _____	One turn: < 4 ½ f				Ship-In	Previous start to injury: _____ days
Synthetic	Price factor _____	4 ½ f	Final Time		Post Position	>1 < 10 days	
Turf	Maiden Beaten Open	5 f 5 ½ f 6 f 6 ½ f 7 f		(Month)		Resident	Previous work to injury: _____ days
Condition	Allowance MSW NW\$ STR Price factor	7 ½ f Mile > Mile	Placing	Sex	Class	Previous Start	
Fast	MSW	6 f	Started Y N	Colt Horse	↓ ↑	/ / by /	Injury to first work: _____ days
Good	NW\$	Two turns: 6 f	Finished Y N	Filly Mare	No change NA	DNF NA	
Muddy	STR	7 f	by _____	Gelding Rig		Adj. time: _____	
Sloppy	Price factor	1 mile	Adj time: _____				
Wet Fast	Stake Purse: \$ _____	1 mile 70 yd 1 mile 1/16 1 mile 1/8 1 mile 3/16 1 mile 1/4 1 mile 3/8 > 1 mile 3/8	Jockey	Life Starts	Speed Figs	Last Pub Work	Injury to first race: _____ days
Firm	Overnight Non-graded Grade 3 Grade 2 Grade 1		Apprentice			/ /	
Good	Handicap: Y N		Journeyman	Wins	Life Earnings	Distance/Cond. _____ f _____	
Yielding			Injured: Y N			Time Rank /	
Soft			Claim History—previous 6 months				
Off Turf			0	1	2	3	>3

	Limb	Category	Anatomic Region	Site	Injury Description
A					
B					
C					
D					

RACING	INCIDENT RELATED INFORMATION	TRIAGE SCORE	INJURY MANAGEMENT	EMERGENCY MEDICATIONS
 XX—Gate Location X—Site injury first observed	Lost rider Ran loose Equipment failure Clipped heels Stumbled Fell Collapsed Ducked Bolted Failed to maintain course Contact w/ other horse Impeded Checked Contact with rail / gate / vehicle Flipped Other _____	STEWARDS' ACTION NA Jockey—foul claim Stewards—Inquiry DQ: Y N	NONE Kinzey splint Compression boot Robert Jones Bdg Ext. stabilization, other _____ Sling Rescue Sled Ambulance Other _____	NONE Acepromazine Butorphanol Detomidine Xylazine Pred sodium succinate NSAID Other _____
	NON-RACING			
OUTCOME		COMMENTS		
Pre-race: Official Veterinarian Scratch AM Paddock / Post Parade / Gate Soundness / Injury / other Post race: Past wire / Returning After unsaddling Detention Barn Other: _____		Non-fatality Career Ending Injury Y N Unknown Fatality Euthanized (<72 hrs post injury) Died Unknown		

Chapter 3

“BREEDING, DRUGS AND BREAKDOWNS: THE STATE OF THOROUGHBRED HORSERACING AND THE WELFARE OF THE THOROUGHBRED RACEHORSE”

Alan Marzelli*

Good morning, Ms. Vice Chairman, and members of the committee. I am grateful for the opportunity to be here today and to briefly share with you some information about the role, mission and activities of The Jockey Club.

The Jockey Club was formed in 1894 and is the breed registry for all Thoroughbred horses in North America. As such, we are responsible for maintaining *The American Stud Book*, which ensures the correct pedigree and identification of every Thoroughbred foaled in the United States, Canada and Puerto Rico. In order to register a Thoroughbred in North America, breeders must comply with the rules of registration as set forth in the *Principal Rules and Requirements of The American Stud Book*.

The Jockey Club is a founding member of The International Stud Book Committee, which serves to coordinate the policies and practices of stud book authorities around the world. A key ingredient to accomplishing this is through the development of the internationally accepted "Definition of a Thoroughbred," as contained in Article 12 of the *International Agreement on Breeding, Racing and Wagering*.

There are presently 64 countries that are signatories to this important article. As signatories, each stud book authority, including The Jockey Club, incorporates the provisions of Article 12 into its own rules.

Neither Article 12 or the *Principal Rules and Requirements of The American Stud Book* themselves promote specific attributes. To do so would be at best subjective and potentially

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008. Alan Marzelli is President & Chief Operating Officer of The Jockey Club.

restrictive to fair trade and free market enterprise, not only in North America but around the world.

Article 12 of the *International Agreement on Breeding, Racing and Wagering* is perhaps the best example of the global racing community harmonizing the rules of different jurisdictions in order to facilitate cross-border commerce. Uniform rules among 64 participating countries enable a Thoroughbred purchased at auction in North America, for example, to be exported to another country in order to race and breed there. These same uniform rules are what enabled the magnificent Curlin to travel to Dubai this past March and capture the Dubai World Cup.

Having mentioned the global nature of Thoroughbred breeding, and before I delve into some of the many equine health and safety initiatives that The Jockey Club has spearheaded through the years, it may also be helpful to provide you with a sense of the scope of Thoroughbred breeding and racing worldwide.

In 2006, there were 170,000 races run worldwide. That averages about 465 races per day.. or one race somewhere in the world every three minutes!

Across the globe, owners competed for almost \$4 billion dollars in purse money and bettors wagered more than \$112 billion dollars in 2006. 196,000 mares were bred to 10,000 stallions and 1 18,000 foals were registered.

In 2006, the United States was responsible for:

- 30% of mares bred worldwide;
- 29% of registered foals;
- 31 % of races run;
- 29% of prize-money awarded;
- 13% of pari-mutuel handle.

The United States tops the list worldwide in the first four categories and is ranked 3rd in handle. In addition, continued strong international demand for American bloodlines has resulted in a 28% increase in the total number of exports over the past five years, with increases in each of the last four years.

Beyond its primary mission as keeper of *The American Stud Book*, The Jockey Club has, since its inception, maintained a leadership role in numerous and wide-ranging industry initiatives. Time and time again, The Jockey Club has devoted very substantial efforts and resources to projects that we believed in.

Many of those projects through the years have centered on the health and safety of the horse. Many others have focused on the medication dilemma that has hovered over this industry, and indeed all sports, for decades.

Much of our work in the area of equine health and welfare of the Thoroughbred has been conducted through our Grayson-Jockey Club Research Foundation, a worldwide leader in equine research.

Since 1983, Grayson has provided more than \$13 million to fund 210 projects at more than 30 universities. In 2007 alone, over \$1.1 million was allocated for 21 projects, including three devoted to the study of laminitis, the painful and often fatal hoof disease that afflicted Barbaro following his injury in the 2006 Preakness Stakes.

A majority of the advances that are the result of Grayson-funded research benefit all horse breeds, not just Thoroughbreds.

Together with The Jockey Club, Grayson initiated, organized and underwrote the Welfare and Safety of the Racehorse Summits that were held at Keeneland Race Course in Lexington, Kentucky in October, 2006 and March, 2008.

The October 2006 Summit involved more than 40 leaders from across the industry. Actions taken at the 2006 Summit included:

- Creation of an on-track injury reporting system and development of a standard form for reporting injuries;
- Increasing industry awareness of a growing body of scientific data identifying use of toe-grabs and other traction devices on front shoes of race horses as contributing to an increased risk of catastrophic injury; and
- Statistical analyses to determine if specific bloodlines are producing horses exceeding norms in terms of soundness and durability. with an eventual plan to derive a Durability Index as a tool for breeders.

It is simply unacceptable that racing has no national system in place to record injuries. A comprehensive tracking and reporting system is essential to properly analyzing injuries and identifying the conditions and circumstances that give rise to them.

Thanks in large part to the leadership and efforts of Dr. Mary Scollay, whom you will hear from later today, we are on the verge of rectifying that problem. Leveraging the technological expertise resident within The Jockey Club family of companies, we have developed an equine injury reporting system that is currently in the final stages of field testing with regulatory veterinarians in California. The full production system is set to be made available to racetracks later this summer, through the InCompass racetrack operations module that is in use at nearly every racetrack in North America.

On the subject of medication, The Jockey Club’s position has been clear and consistent throughout the years. We have played an integral role in the industry effort to identify and either ban or regulate the use of performance-enhancing drugs and race-day medications by Thoroughbred race horses. As we’ve said many times before, horses should win on talent, ability and heart ... not medication!

In 1990, The Jockey Club retained McKinsey & Company to undertake a project aimed at developing a national strategic plan for drug detection in the racing industry. Their report, titled *"Building a World-Class Drug Detection System for the Racing Industry"* was released in 1991. Three of the primary recommendations were fully or partially adopted by the Association of Racing Commissioners International (“RCI) in the years that followed.

During 2000, several events laid the groundwork for the development of a national organization committed to tackling issues relating to medication and post-race testing and following through with the recommendations contained in the McKinsey report.

In December of that year, the American Association of Equine Practitioners hosted a summit that brought together individuals representing 23 industry stakeholder groups to discuss development of a uniform national medication policy for racehorses. That meeting led to the formation of the Racing Medication & Testing Consortium (“RMTC”).

Since then, the RMTC has primarily focused its efforts on the McKinsey “blueprint,” including the development and adoption of model medication rules and penalties, research to detect prohibited substances, establishment of thresholds and withdrawal times, race-day security, and industry communications. These recommendations include, but are not limited to, anabolic steroids.

The Jockey Club has been an active participant and one of the major financial contributors to RMTC since its inception.

At our 2004 Round Table Conference, we invited Dr. Don Catlin, the creator of the UCLA Olympic Drug testing lab, to speak about his experience and how it may help to prevent the use of prohibited drugs in horse racing. The outgrowth of that conference was the creation of the Equine Drug Research Institute (“EDRI”), formed as a committee of The Grayson-Jockey Club Research Foundation and in conjunction with Dr. Catlin’s Anti-Doping Research Laboratory.

EDRI’s mission was to fund a major research initiative designed to develop new tests for drugs that pose significant risk of potential abuse in equine sports, and to share that forthcoming data with qualified equine testing laboratories free of charge, to assure a fair and level playing field for all participants.

The Jockey Club has been an active participant and one of the major financial contributors to EDRI since its inception.

The tragic breakdown of Eight Belles at the conclusion of this year’s Kentucky Derby prompted The Jockey Club to announce the creation of a Thoroughbred Safety Committee “to review every facet of equine health, including breeding practices, medication, the rules of racing and track surfaces, and to recommend actions to be taken by the industry to improve the health and safety of Thoroughbreds.”

That committee has been meeting regularly since early May, and issued its first set of recommendations two days ago. In this first set of recommendations, the committee has called for:

- A ban on front toe grabs and other traction devices;
- Reforms in the equipment and usage of a riding crop by jockeys; and
- The adoption of the RMTC model rule to eliminate anabolic steroids in the training and racing of Thoroughbreds.

These recommendations have been endorsed and supported by a wide cross-section of over 15 leading industry organizations. We are confident that, with this unified support, these initial recommendations will be implemented in timely fashion. Specifically, we are confident that 2008 will be the last year in which anabolic steroids will be permitted in our sport during training and racing.

The Jockey Club, and indeed all industry organizations seeking to improve the conditions of our sport, have a powerful ally to effect change – our fans. During the course of the Thoroughbred Safety Committee’s early deliberations, we have received input from some of our long-time, highly respected players. The message that we have consistently heard from them is that they want a level playing field, especially with respect to medication. Rest assured they will be watching and keeping score at home.

In closing, I must emphasize that the Thoroughbred Safety Committee’s work has just begun. Additional recommendations and findings will be provided at our annual Round Table

Conference in Saratoga Springs, NY in mid-August, if not before. And the work of the committee will continue beyond then as a standing committee of The Jockey Club's Board of Stewards.

Specifically, The Stewards of Jockey Club and the members of the Thoroughbred Safety Committee are of the belief that the elimination of anabolic steroids is only a start. In order to restore the trust and confidence in our sport that our fans deserve, in order to protect our equine athletes, and in order to ensure the long-term health of the Thoroughbred breed, we must eliminate all performance-enhancing drugs from the sport.

We are committed to seeing this effort through, and as evidenced by the strong show of support for our initial set of recommendations, we are confident that many other organizations in the industry share our beliefs.

Thank you for your attention and I will be glad to answer any questions you may have.

Chapter 4

BREEDING, DRUGS, AND BREAKDOWNS: THE STATE OF THOROUGHBRED HORSERACING AND THE WELFARE OF THE THOROUGHBRED RACEHORSE

Arthur Hancock*

Stone Farm, Paris, KY, USA

Good morning, honored members of Congress.

I am here before you because I am gravely concerned about the future of the Thoroughbred industry. I am a fourth generation breeder and owner, and I also have children who are interested in this way of life. I hope to protect it for them.

There are many wonderful aspects about the horse business, the beautiful farms, the rich tradition, the pageantry, the excitement of competition, and the thrill of victory, but there are also many negatives in the industry that I am concerned about such as inbreeding, over breeding, oversupply, operations on young foals which are not required to be divulged, bribing at auctions, and other issues which we have the means, if not the desire, to fix ourselves. But my primary worry and the main issue which concerns me is the complete lack of uniformity on many issues; specifically, the permissive medication policies that vary from state to state, and the catastrophic results that this medication is wreaking upon our industry.

There are 38 racing jurisdictions in the United States and they all have their own rules. As you know from recent stories in the news, use of steroids is rampant and the rules governing its use vary from state to state.

So, why are we in this situation, and how can it be remedied? What is this Thoroughbred industry? It is a conglomeration of different entities, each of which has its own function as well as its own agenda. There are the breeders, the owners, the veterinarians, the trainers, the jockeys, the race tracks, and all of their affiliated organizations. It is a mega agri-business worth billions of dollars that employs thousands of people who are represented by all of these separate and different entities. There is T.O.B.A. (Thoroughbred Owners and Breeders

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Association), The Jockey Club, the Jockey's Guild, the N.T.R.A. (National Thoroughbred Racing Association), the Breeders' Cup, the American Horse Council, the A.A.E.P (American Association of Equine Practitioners), the H.B.P.A (Horsemen's Benevolent Protective Association), the R.C.I. (Racing Commissioners International), and the racing commissions of **38** different racing jurisdictions. All of these fiefdoms have their own Nero like C.E.O.'s, and each of them envisions himself as the savior of racing and most of them don't even own a horse.

As I see it, the real problem with the Thoroughbred industry is that nobody is in charge. We are a rudderless ship, and the way we're going, we will all end up on the rocks. It is impossible for us to govern and regulate ourselves. We are too fragmented and too diverse. Not one of these groups has the power to bring uniformity and integrity to our sport. In my opinion, only a Federal racing commission or commissioner can save us from ourselves.

Congressman Whitfield of Kentucky says that the Horse Racing Act of 1978 is the vehicle through which we may remedy the situation. Each state can be controlled by the Federal Government because if it does not comply with the rules, the racing signal can be cut off. For instance, if there is a Federal ban on steroids and a state does not comply, it would lose its signal.

I have said for years that we must remove drugs from our game. In 1960, horses made 11.3 starts per year and in 2007 they made 6.31 starts per year. This is a dramatic drop of 44% and is a startling statistic which shows that the breed is becoming softer and weaker. This leads one to the inescapable conclusion that there will be more frequent and severe catastrophic injuries in the future and that these will do us irreparable harm irregardless of the track surface. It is a vicious cycle. Chemical horses produce chemical babies. Drugs must be banned if we are going to survive as an industry and if thoroughbreds are going to survive as a robust breed. Believe me, we are in peril.

I am reminded of a story. There was once a large fine house wherein lived a number of mice. There were plenty of scraps of fine cheeses, breads and cakes, and the mice flourished. Then the owner decided to get a cat and this cat wreaked havoc on the mice and their comfortable lifestyle. All of the mice convened in an effort to find a solution to this life-threatening problem, and they decided to put a bell on the cat. This was considered to be a wonderful idea and was hailed throughout mousedom. Then one of the mice said, "But who will be the one to put the bell on the cat?"

That is our dilemma; we have no one to put the bell on the cat. It is impossible for us. The fiefdoms cannot come together and they will scream loudly at the prospect of any infringements upon their domains. Our only hope is a federal racing commissioner or commission, and I have said this publicly since 1990.

In the early eighties, Senator Mathias of Maryland spoke to The Jockey Club Round Table in Saratoga and warned us to clean up our own act or the government would do it for us. The industry mobilized, went to Washington and said we would do it ourselves and the results speak for themselves. That was twenty eight years and hundreds of committee meetings ago, and things have gotten worse, not better. It never happened and never will, unless you mandate through the Horseracing Act of 1978 that we have the means to bell the cat. Where would car racing be without NASCAR; professional basketball, without the N.B.A.; professional football, without the N.F.L. and A.F.L.; or baseball without a commissioner. Some years ago, baseball had a problem with steroids and because of a federal inquiry it has now cleaned up its acty et baseball had a commissioner to enforce the rules.

So, why can't we do something about the drug situation on our own? The answer is, there is big money behind these drugs and there is a lot of pressure to continue with the status quo. This pressure comes from veterinarians who say that the drugs are therapeutic. When I worked at the race track in 1966, the only time the veterinarian came to the barn was to check the horse on race day or if he was sick. Now, they are there every day, and veterinary bills for owners can run over \$1,000.00 a month on a single horse. Last year, I told a veterinarian that I didn't want my horses to get any medication unless they were sick and he replied, "You want to win races, don't you Arthur?" The veterinarians are running the show.

Now I don't mean to say that all race track veterinarians are bad people and I don't in any way mean to disparage them. I respect them. They use these drugs because they can, and the drugs they give a horse are for the most part legal, although there are some who will use the masking power of the legal drugs to mask other more sinister and illegal substances. For instance, cobra venom was recently discovered in the possession of a trainer and it was given to him by his veterinarian. If evil can exist, it will. If evil is permitted, it will prevail. America, by the way, is the only nation on this planet which permits the use of most of these medications. England, France, Ireland, Japan, Australia, and on and on don't allow them. Steroids are banned in every other country except ours.

The drug issue is destroying public confidence as well as the breed. People wonder why we haven't had a Triple Crown winner since the seventies. Well, when a horse gets Lasix in the Kentucky Derby and loses 30-40 pounds and the same thing happens in the Preakness two weeks later, how can he be at full strength for the Belmont where he gets it again; all of this in the span of five weeks and Lasix is not the only drug the horse gets. He may get steroids and many other drugs like butazolidin, which is a pain killer.

So, I am convinced and terrified that we are losing our industry, the public confidence, and the American breed called the Thoroughbred. The horse is the star. He is our show, and look what we are doing to him. Help us right these wrongs. Let us remember that the definition of insanity is repeating the same behavior over and over again expecting different results. Let us have "0" tolerance and national labs for testing. Any expense to create integrity and save the breed would be cheap. Ben Johnson said that nothing can be great unless it is right. Help us make horse racing right and great again. The very survival of our industry is at stake here, ladies and gentlemen.

I would like to close with a poem written by the late Winston Churchill.

"Who is in charge of the clattering train,
The carriages creak and the couplets strain.
And the pace is fast and the points are near,
But sleep has deadened the driver's ear.
And the whistle shrieks through the night in vain,
For death is in charge of the clattering train."

Thank you for listening to me. Your time and efforts are deeply appreciated and it has been a privilege and an honor for me to appear before you.

Thank you, and good day.

Chapter 5

SUMMARY OF TESTIMONY OF JESS STONESTREET JACKSON*

Thank you for the opportunity to testify today. I welcome Congressional help and there are two areas that require immediate action: First, a broken business model must be fixed and second, drug use and other safety standards need to be addressed.

These problems have common root causes: The lack of a national and responsible horse owners' organization; the lack of *transparency* in industry practices; the lack of *uniform standards*; and, most importantly, the lack of *accountability* and *enforceability*. *All of which can be corrected by an effective horse owners' organization*. It is clear to me that most of the industry's present ills stem from the fact that we are a national, or international, sport, that has no competent central regulating body or federal authority mandating uniformity in the United States. While one or more of the present organizations may, with the best of intentions, "study" various issues, few have the authority and none enforce uniform national standards. Some of these issues have been studied, as with the banning of performance altering drugs, for decades without action. As this Committee properly senses, we need less STUDYING and more DOING.

While I do not favor more federal regulation or bureaucracy, I do think that a carefully crafted charter, or other vehicle, for a federal horse racing association (representing horse owners) is urgently needed to ensure better treatment for the horses and enhance the revenues for both the tracks and the horse and improve the integrity and safety of the sport.

Chairwoman Schakowsky, Ranking Member Whitfield and Members of the Subcommittee, good morning. My name is Jess Jackson. I am here today because of my lifelong passion for the sport of thoroughbred racing and breeding and my role as a relative newcomer to thoroughbred ownership. My life experiences include many vocations. I was a law enforcement officer, a practicing attorney and a member for the Center for Democracy. I am also the founder of Kendall-Jackson Winery. At heart, I am a farmer.

I appreciate the opportunity to address you today on matters of importance concerning the sport and business of thoroughbred racing. While we are all deeply saddened that the tragic injuries to horses such as Barbaro and Eight Belles may be the impetus for this hearing,

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

I believe most owners of horses nationwide, including a large silent majority connected to thoroughbreds, are very encouraged that Congress is holding this hearing today. We need Congress to take an active interest in assuring the integrity, safety, and economic viability of this magnificent sport.

My passion for horses and the sport of horse racing dates back more than seven decades. As a boy growing up in California, I had the privilege to watch Seabiscuit – one of the most popular thoroughbreds of all time – run in a race not too far from my home. That memory has stayed with me all these years, and helped forge a strong affection for horses and a deep appreciation of their beauty, power, elegance and athleticism.

I am a life-long fan of thoroughbred racing. Through hard work and perhaps a fair dose of good luck, I have found myself in a position to pursue my passion for thoroughbred horses as more than just a fan. I am 78 years old. I had hopes to ease into my retirement but instead, a few years ago, my family and I returned to raising and racing horses which led to the establishment of Stonestreet Stables. I wanted to join and participate in a great agriculture industry whose vast majority are honest, hardworking people producing what was and can again be a top sport and entertainment industry.

Today, Stonestreet Farm owns over 100 broodmares and their foals, and our Stonestreet Stables currently races and trains sixty or so thoroughbred horses. Among them is Curlin, in whom we own an 80% interest. Curlin is an amazing horse. In 2007 he was Horse of the Year, placed in all the Triple Crown races and won the Breeders Cup. He won the Dubai World Cup in March and is ranked as the number one thoroughbred in the world. This past weekend, at Churchill Downs, he raced to first place to the applause of thousands of spectators.

The Committee's concern about the health and welfare of thoroughbred horses, as well as the overall status of the horse racing industry, is very well-founded. As excited as my family is about getting into the thoroughbred racing arena, and about the enormous success of Curlin, our enthusiasm has been tempered by the realization that the sport of thoroughbred breeding and racing faces serious challenges that imperil its future in America.

There are two areas that require immediate action: First, a broken business model and Second, drug use and other safety standards.

A BROKEN BUSINESS MODEL

A Commissioner and a horse owner-based governing body are urgently needed. It is the only way to fix the industry's broken business model. The absence of a legitimate national governing body with federally sanctioned authority to make and enforce consistent rules, regulations and standards is desperately needed. Correspondingly, we need Congress' support to amend the Interstate Horseracing Act (IHA) in order to immediately permit those who are the real investors, the real parties in interest, race horse owners, to organize. For instance, the thoroughbred horse owners provide all the capital for the horses that race, but are unable to organize for fear of anti-trust litigation. An immediate example is the lawsuit filed by Churchill Downs against the Kentucky and Florida horse owners' groups. If permitted to organize through their respective state thoroughbred owners groups, private non-federal entities, and participate in and help make the complex business decisions in today's

marketplace, revised integrity and economic models would soon be enacted nationally. To show the economic advantages of such amendments to the IHA I have attached to my testimony an article by Fred Pope entitled, “Change the Law – Engage Racehorse Owners.” In this article, Mr. Pope describes in detail the economic plight of the thoroughbred racing industry. In pertinent contrast, The Jockey Club in England is an effective private organization that sets the rules and enforces them. In the United States, our Jockey Club acts as a mere registry of birth and ownership transfer. If horse racing is to regain the immense popularity it historically proved, we, the horse owners, must be permitted to organize and to have a league of our own. While such a league may be either private or public, to succeed it is clear that we will need your help — the right to organize safely from spurious anti-trust litigation. And as thoroughbred owners we must be permitted to participate at the negotiations between the tracks, the off track betting industry and the TV betting media (advance deposit wagering or ADW’s).

In the absence of a healthy new economic model, the most promising source of return on a horse owner’s investment increasingly comes from breeding their horses. Current estimates are that horse owners in racing invest over \$4.3 billion a year for the chance to compete for approximately \$1.1 billion in purses. The result is that most horses’ racing careers are geared toward maximizing, at all costs, the horses’ early retirement potential for a successful breeding career, and not continuation of racing. In practical terms it means we are racing juvenile horses too soon and racing two year old horses before their bones and joints are fully developed should end. Moreover, racing two and three year olds can result in serious career ending injuries as witnessed on national TV with Barbaro, Eight Belles and others. There is every incentive to compress horses’ racing careers, racing them to young and retiring them too soon, in order to get them to stud sooner and avoid the risk of breakdown. I join with others including many prominent and successful trainers who urge that horses be barred from racing until they are much older.

When we decided to race Curlin as a four-year-old, it astounded many in the industry that we would put aside a year’s breeding revenue of about 15 million dollars, an amount far greater than we could earn on the track, run the risk of loss or injury from racing and incur the multi-million dollar cost of insuring Curlin for racing. But my family and I wanted to give the industry a boost and share Curlin’s speed, brilliance and stamina with the fans. In defining Curlin we personally risk his serious injury and even his death. Since making that decision, we have been overwhelmed with congratulations and support from fans and owners around the world. Curlin continues to earn his legacy as an American champion for the ages, bringing pride and good will both to the industry and our country, both here and abroad. Most importantly, his stamina, power, durability and speed have proven the value of racing stronger and more experienced horses, and (so far) has validated our decision. His ultimate impacts may be to propagate his DNA through his progeny for a sturdier breed and serve as an example for racing older horses.

The fans are important to me and to the industry. Let’s look at racing for a moment from their point of view. Purses have dwindled to the point where fewer owners enter their horses in any but the most lucrative venues. With the advent of off-track betting and fewer horses racing and smaller gates and purses, many tracks do not have the financial resources to maintain much less expand their facilities, which results in a less enjoyable and less friendly family and social experience for spectators. Contrast this to Hollywood or Del Mar in the days of Bing Crosby.

We need an open and frank dialogue about the gaming side of our sport. While betting exists in all sports, there is no doubt that it has corroded our industry more than others. If you go to any track in America today, the front and the back of the house are in deteriorating conditions. Why? Because off track betting is getting more money then the tracks themselves which in turn prevents the tracks from becoming state of the art facilities both for the horses and the fans. (See Mr. Pope's article). It is also a disincentive for tracks to put on an entertaining live show for its spectators. Even if they could afford to do it, why should host tracks spend money on live racing or greater purses when the lion's share of gaming revenue is diverted from the tracks and horses who put on the show (and risk their capital) to mostly benefit off track revenue which does little to enhance track or horse revenue. Last year, racehorse owners lost out on about \$540 million purse accounts due to off-track wages. That is double the amount of annual prize money on the Professional Golf Association (PGA) tour. I personally admire the PGA and the Association of Tennis Professionals (ATP) as private models which uphold both the integrity and financial viability of their respective sports and their participants. We need a better business model and we need it now. Horse racing may not survive without one.

THE HORSE INDUSTRY'S DRUG AND SAFETY PROBLEMS

a. We Must Ban Improper Use of Drugs

Speaking bluntly, the horse industry has a drug problem. We must replace the existing patchwork of state standards with a uniform national standard that is in accord with *international, ZERO-TOLERANCE* rules. Congress should start by banning steroids immediately, at any level, for horses in competition. Lasix and Bute should be banned as well — *now* — and should have been banned fifty years ago. These drugs mask pain and, worse, may mask designer drugs including hormones and steroids, all of which should be banned if they affect the track performance or physical appearances of a horse at public auction or private sale. The very fact that there is a debate about steroid use in the Triple Crown, regardless of the merits, is damaging to, and casts a shadow over racing. If one veterinarian (prospering from its sale) convinces one trainer to use a drug other trainers may feel compelled to do likewise in order maintain a "level playing field." But does the horse have a say? It is essential to conform to international standards and ban these drugs now for other than true medicinal use. No horse entering racing should have one iota or trace of artificial steroids, hormones or drugs.

Medication testing must be centralized and independent, possibly using the USADA (United States Anti-Doping Agency) model. Infractions must be adjudicated swiftly and decisively. Punishments must be severe, predictable and uniform. Currently, most violations go to state-run administrative law proceedings which can take years to resolve. It is unbelievable to me that trainers who have been *permanently barred* in other international racing venues are merely "suspended" for three months in the United States for illegal drug use, such as Cobra venom!

b. We Must Make Racing Safer For Horses

The state of the breed is not what it used to be. To put it in simple terms, the industry focuses excessively on breeding horses for early, brilliant speed at relatively short distances. Today, too many breeders end up producing heavily conformed upper body muscled horses with relatively fragile legs (Barbaro) and feet (Big Brown). The current structure of the graded stakes races in the United States encourages breeding this type of horse, and indeed practically demands it. We can improve the breed by mandating transparency in medical histories, revising the racing calendar and understanding track surfaces' effect on equine health.

Due to the absence of transparency about the frequency and cause of racing related injuries as well as the lack of consistent access to medical records, conscientious breeders do not have sufficient information available to make fully informed breeding decisions. The careers of racing horses are too short to provide much of a racing history on which to base predictions of the performance of their offspring. All contributing to the weakening of the breed.

The larger problem is that obtaining accurate medical records for horses is extremely difficult. Most jurisdictions do not adequately regulate medical record keeping for horses and in some states (including California) medical records belong to the person who paid the veterinarian and are not available to the new buyer/owner. Worse, an uninformed buyer may race a horse with an increased risk of injury or death. Just as Google is moving to establish a confidential, centralized, online database for human medical records, so should there be a repository of accurate horse medical records and ownership. Also, maintenance of accurate medical and ownership records available to the industry and all its prospective owners and breeders of the horses during both sale and racing is essential. Through ownership records the physical and medical history of equine can be verified. True ownership records also would help prevent fraud occurring at auctions and private sales where wrongdoers can falsify bids and documents of a horse's prior sale and medical histories. It is important at sale to provide a potential purchaser with an accurate picture of the horse and to disclose potential health problems. For example, chronic steroid use, in addition to creating health risks to horses, can cause irreparable fertility damage, and is certainly information that is material to a high dollar stallion purchase deal and his fertility performance as a stallion.

Similarly, the racing calendar needs to be revised in the best interest of the horse and coordinated across tracks and states. A national racing commissioner could do this. A league of racing could restore excitement and marketing to this noble sport. One option is have the Triple Crown spread out with the Kentucky Derby on the first Saturday in May, the Preakness the first Saturday in June, and the Belmont the first Saturday in July. This will promote rivalries, give the horses more rest and recovery time between races and allow for a better approach towards marketing the sport. The Triple Crown is, rightfully, a difficult achievement and I am not advocating that the path be made easier simply because we have not had a Triple Crown winner in decades. However, as the Triple Crown currently stands, these magnificent "too young" horses must overcome the gauntlet-like nature of the grueling schedule rather than the level of competition.

We also need to place the emphasis back on the competition between more mature older horses to reduce juvenile injuries, breakdowns, and catastrophic deaths. Accordingly the Triple Crown races could be limited to four year olds. Today these races effectively mark the

end of the viable racing career of high-value successful, but young race horses. Looking at the schedule of graded stakes, there are relatively few races for horses older than three years and the disparity in earning potential between what four year olds and older horses can make at the racetrack and what they may earn in the breeding sheds generally forces most horses into retirement at or before the end of their third year of age. Curlin and other four year and older horses are having trouble finding sufficient races in which to run in the U.S. and must go overseas for races with purses three to ten times higher than current purses in the United States.

Moving the age of the participants up to four would permit horses to develop at a more reasonable pace before being pointed towards the Triple Crown and allow for more seasoning and conditioning. The result would be stronger, healthier and, more skilled equine athletes. This will have the additional effect of lengthening the racing careers – and starts – for almost all thoroughbreds, which then gives a prospective breeder more information about the soundness, ability, strengths and weaknesses in a given horse or bloodline which would tend to help breeder's avoid inbreeding genetic defects thus strengthening the breed.

As it stands now, the racing careers of sire-prospects are so short that it is difficult to reasonably predict the long term genetic characteristics of their prospective progeny. I am told a famous, old time breeder long ago said he would not breed a horse less than four years old and had not run at least fifteen races. In the last thirty years the total number of races a typical thoroughbred runs before retirement has been reduced from over twenty to about six.

Finally, we need to better understand the effect of track surfaces on race horses. While we are in favor of whatever track is safest for horse and rider, we are also wary that by focusing on developing safer track surfaces we may ignore that we now have a less durable breed. We must do both: study race surfaces and improve durability genetics. The thoroughbred has raced on dirt and grass for centuries. Is the current lack of stamina and bone due to historic racing surfaces or more likely to weak inbreeding for speed? We have handsome upper bodies but fragile legs. Both bone and sinue have degraded. We should focus on the cause (breeding weakness) not merely a racing surface. The root problem should be fixed – breed more durable horses.

CONCLUSION

All of all these problems have common root causes: The lack of a responsible horse owners' national organization; the lack of *transparency* in industry practices; the lack of *uniform standards*; and, most importantly, the lack of *accountability* and *enforceability can all be corrected by an effective horse owners' organization*. Through that new founded organization, horse owners must change a poor business model eliminate "drugs and thugs" and restore safety. It is clear to me that most of the industry's present ills stem from the fact that we are a national, or international, sport, that has no competent central regulating body or federal authority mandating uniformity in the United States. Individual states each have their own regulations that differ, and there are multiple and inept trade groups currently existing that represent limited elements of the industry, mostly the breeders, (the sellers) not the owners,(the buyers). But unlike every other major sport, we have no organization or entity that effectively regulates and markets the sport. While one or more of the present

organizations may, with the best of intentions, “study” various issues, few have the authority and none enforce uniform national standards. Some of these issues have been studied, as with the banning of performance altering drugs, for decades without action. As this Committee properly senses, we need less STUDYING and more DOING.

I do not favor more federal regulation or bureaucracy. Where possible, I do think that a carefully crafted amendment to charter a federal horse racing association (representing horse owners) is urgently needed to ensure better treatment for the horses and enhance the revenues for both the tracks and the horse and improve the integrity and safety of the sport. A national organization would also overcome the most common objection to reform at the state level — namely, that reform in any one state will simply drive owners, breeders and business to other more lenient state jurisdictions.

If we are to restore thoroughbred racing to its longstanding position as a cherished national pastime, we must start by protecting the health and dignity of the wonderful athletes that delight and thrill us all. Establishing a meaningful governing body with authority to set and enforce standards in the interest of all stakeholders is the best way to accomplish this most worthy goal. We must also return the sport to our buyers (the owners of the horse) and to our racing fans (our ultimate entertainment consumers). As in any sport the both the participants and the fans are the backbone of the industry. And in the end, if we can accomplish these noble objectives, we will have properly honored the great legacies of true heroes such as Man o’War and Seabiscuit.

Thank you for the honor and the opportunity to testify today.

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CHANGE THE LAW — ENGAGE RACEHORSE OWNERS AMENDING THE INTERSTATE HORSERACING ACT WILL ENGAGE RACEHORSE OWNERS

By Fred A. Pope

Revised June 12, 2008

In the Kentucky Derby, the brave filly Eight Belles became classic-placed and then a few minutes later was put down on national television. Every breakdown hurts, however the Kentucky Derby is different. Throughout the world not just racing fans, but families, gather around televisions on the first Saturday in May. It is Thoroughbred racing’s opportunity to connect. It is the special day.

In my opinion, racing dodged a bullet on Derby day because had the filly gone down a few seconds earlier, under urging at full speed, we would have faced a problem on a 14 different level. Horrific images of such a spill would have been burned into the memories of millions of people watching live and then replayed again and again. The risk is there every time the race is run.

In 1987, Alysheba’s near fall in the stretch of the Derby raised the question: “How can we make Thoroughbred racing strong enough to withstand such a disastrous event?”

Whether working on a political campaign or a brand of peanut butter, that's how marketing people think because we know bad things happen and you either build an image strong enough to handle it, or risk having your product disappear.

The safety issue is being addressed; but, it isn't the reason our sport is in crisis and fixing it will not provide the answer to how can we make racing strong enough to insure its future.

The Public Gets It

In the blame game, the industry knows the Derby breakdown is complicated. But, the public takes a more direct view. The public knows racehorse owners are to blame. It is the racehorse owners' game and they are responsible for their horses. That's the way the world works. The public gets it.

The problem is racehorse owners don't get it. Racehorse owners, against all reason, have given control of their sport over to the tracks and seem to take no responsibility for what happens to it. You can own a racehorse and your only responsibility is to pay the bills.

We have a long list of national organizations, but nowhere among them is a national Racehorse Owners Association (ROA). Several national organizations say they speak for racehorse owners, however those organizations are actually controlled by breeders, tracks or trainers. It seems everyone in our industry wants to speak for racehorse owners, except racehorse owners.

While there many stakeholders in the Thoroughbred industry, the racing segment has only two stakeholders: racehorse owners and track owners.

Sports' marketing is successful when the players, or owners of the talent, acquire the rights of the facilities where they play, then package and present the sport to the public.

Every sport operates that way, except ours. In Thoroughbred racing, the owners of the talent (racehorse owners) give away their rights to the facility (racetrack) where they race.

It is the structural flaw that dooms the sport. When people complain there is no one in charge, how could there be someone in charge? Think about it.

At one time, the golf courses controlled professional golf tournaments. The golf courses jerked the players around the country for low purses and low attendance. Then the professional golfers engaged, pooled their rights and adopted the major league model for the PGA Tour. The PGA Tour then acquired the image rights of the golf courses and today it packages and presents a great schedule for high purses and high attendance. If, God forbid, a golf shot killed a person in one of their events, the PGA Tour will be strong enough to survive it.

As many of you know, I am a proponent of racehorse owners forming a major league like the PGA Tour. Yes, a major league would do the things everyone wants for the sport of Thoroughbred racing. It would have someone in charge. It would have all rights pooled into the proven business model. It would grow the sport and make it strong. However, until that happens, there is an urgent need to engage racehorse owners right now.

How Can We Engage Racehorse Owners?

Racehorse owners' purse money is a good place to start. This year about \$540 million is leaking out of purse accounts that are funded by off-track wagers. To put that amount of money into perspective, \$540 million is twice the money in all stakes races in North America. It is also double the annual prize money on the PGA Tour. A change in the offtrack business

model is needed now to stop this money from leaking out and racehorse owners must engage to change it.

The fastest way to get racehorse owners to engage in the business is to change one word in the Interstate Horseracing Act (IHA) into two words. Currently under the law, simulcast approval requires “horsemen”, which are defined in the law as owners and trainers. Changing from the term “horsemen” to “racehorse owners” with no definition required will immediately engage racehorse owners in their own sport.

When interstate simulcasting started in 1978, the approval of “horsemen” at the host track and at the receiving track was a pretty basic decision. Today, off-track distribution is a sophisticated business venturing far beyond the borders of tracks. It is doubtful anyone is going to say trainers are better than racehorse owners to make the complex business decisions needed today.

A simple amendment to the IHA will engage racehorse owners, some might say bring them kicking and screaming, into the business of Thoroughbred racing. It is the racehorse owners’ game and they have both the right and the responsibility for simulcast approval.

Simulcasting Changed the Business Model of Racing

The business model for pari-mutuel wagering started with a deal between the two stakeholders: the tracks and the racehorse owners. With each stakeholder having a significant investment in putting on the show, they agreed to a 50-50 split of the after tax takeout from wagers. The 50-50 split of on-track wagers netted and equal 8% into the purse account and 8% to the host track putting on the show.

The business model for on-track wagers has stayed the same; however, simulcasting changed the business model for off-track wagers. Simulcasting has grown from nothing to where about 90% of all racing handle is made off-track today.

Each year as the percentage of handle from off-track wagering increases, the percentage of off-track wagers going into purses has decreased from 8% to about 4% today. Those 4 percentage points matter.

Why is this \$540 million (4% of \$13.5 billion) in off-track wagering leaking out of Thoroughbred purses? The culprit is an insane business scheme that the small tracks and resident horsemen devised, giving the lion’s share of the money (18%) to “where the bet is made”, instead of “where the show is produced” (3%).

A direct analogy to this off-track model would be if a convenience store took the lion’s share of a lottery ticket sale because the store punched in the numbers and sold the ticket.

In the real world, the Lottery organization pays the convenience stores only 5% for punching in the numbers and taking the Lottery “bet”. (YouBet.com has said they can make a profit with just 5% of the off-track wager.) If racehorse owners change to a business model where the bet takers receive 5% for taking off-track wagers, there will be little or no leakage of racehorse owners’ purse money.

Before simulcasting, each track lived and died based upon its ability to put on a good show and attract a large crowd of bettors. The transient racehorse owners were drawn to the tracks with rich purses derived from the 50-50 split from wagers. The bigger markets delivered high attendance and with the high purses they offered, the largest number of people

got to see the best horses race. It is a business model that makes sense and it worked well for the sport.

The introduction of simulcasting in 1978 could have taken Thoroughbred racing to the next level by dramatically increasing distribution of our best racing products. Purses at the tracks putting on the show in our biggest markets would have soared to heights unimaginable today. That's the way the world works and it could have worked that way for Thoroughbred racing.

When simulcasting started, "where the bet was made" was either at a host track or a receiving track. The receiving tracks and horsemen seemed to have the philosophy "we own our customers and if they are going to bet on races at other tracks, we are going to get the lion's share from their bets". While that was true in the beginning, the Internet and mobile technology has shown us no one owns the consumer today. Consumers today are free and mobile.

There is a need to pay taxes to the state where the bet is made and just like purchases made on the Internet, we can continue paying the state their tax on the bet. All the while, we can be changing to an off-track business model that gives the lion's share "where the show is produced".

"Where The Bet Is Made" Is Killing The Sport

The tracks and horsemen are so addicted to the large margin they make on imported races (about 18%, versus the 3% going to the host track) that it has blinded them to the amount leaking out of the sport through other bet takers. The only way to bring change is for racehorse owners to engage in the business and establish a new off-track model that will allow the host track to make a profit and insure a fair amount goes into purses.

It isn't just the money, it is the most basic question for racehorse owners: Are we in the business of putting on a racing show, or are we in the business of making money on someone else's show? Trying to have it both ways isn't working.

Racehorse owners, by not engaging, have put the tracks into the position of planning for a future where there is no incentive to grow live racing and the sport. The current incentive is for the tracks to convert into facilities where the live racing show is subservient to betting on other racetracks' races and other gambling, i.e. the new Gulfstream Park.

Today, one of the tracks benefiting the most from "where the bet is made" is Keeneland, with only 30 days of live racing, but 11 months of taking the lion's share from imported races. This allows their limited live race days to benefit with large purses, but as much as we like Keeneland racing. Is that what we want? Do we want our national sport to be downsized to a few weeks of festival racing?

Keeneland is not to blame for the off-track business model and they have tried many times to raise the off-track price on their quality races. But, as we dig deeper into this mess, it is clear that the current model rewards the tracks with the least live racing.

I favor a Major League structure within the sport of Thoroughbred racing. However, we also need a strong program of minor league racing, a feeder-system if you will. We need to continue having 35,000 foals born each year to give us the best 6,000 to race at the highest level.

Legal gambling makes lower levels of Thoroughbred racing economically viable, but the lower levels are not viable as a sport. Every sport has found they need a major league

structure to package and present the highest level of their sport as the beacon that connects with the public.

Breeders Should Urge Racehorse Owners To Engage

Although commercial breeders are not one of the two stakeholders in the racing segment, they have great interest in the sport. Breeders should be very concerned about the \$540 million dollars leaking out of purses, because racehorse owners wanting to purchase new racing prospects could reinvest a good percentage of that money. Today, none of the money leaking out of purses is being reinvested in horses.

With the incentives for the tracks changing away from live racing, inevitably tracks will discontinue live racing. They can make more money taking bets on other tracks races, so the live sport will become more and more regional.

We still have great facilities in our major markets and it is vitally important to restore a business model that will allow them to not just survive, but to prosper.

At this year's Belmont Stakes, the once-a-year crowd of 94,000 people overwhelmed the water system. In America's biggest market, a track built to handle large attendance has been brought to its knees by the current off-track model. Restoring a business model that favors "where the show is produced" will restore our major tracks and the sport.

Giving the majority to "where the bet is made" is a distribution model gone crazy and it has done its damage in just twenty-five years. It has allowed gimmicks such as "source market fees", to leak purse money when there is no track in the state where the bet is made. As tracks start closing, more and more of the erroneous "source market fees" will be leaked from purses. "Source market fees" must be stopped and the term "source market" should once again come to mean the source of the live racing show.

If a state, such as New Jersey, has passed legislation that prohibits paying a host track in another state more than 3%, then the racehorse owners should not approve their races being sent into that state until such laws are changed.

Gross handle means nothing to racehorse owners and the sport if those wagers are not contributing enough to put on the live racing show. By instituting a fair off-track business model, racing could see the annual gross handle drop from \$15 Billion to \$12 Billion, and still have more money going to support purses and host tracks. Isn't that what is important?

How Did This Happen?

Just after simulcasting started, a war developed between the big tracks that were "net exporters" of races and the small tracks that were "net importers". The net importers were those tracks making more net money from their customers wagers on races "imported" from other tracks, than they were making from the bets made off-track on their exported live races.

The big "net exporters" were tracks in New York and California. Those were the tracks with high purses and high attendance benefiting from large population centers.

Soon the insane business model giving the lion's share to "where the bet was made" brought the California and New York tracks to their knees. Purses dropped, horses left, and attendance fell off at our major tracks. Suddenly, the world was upside down and with racehorse owners on the sidelines, there was no one to correct the problem.

Racing's business model was changing and the small tracks and the new gambling "racinos" started pulling horses away from our major markets to remote rural facilities, such as Iowa and West Virginia. The little guys were winning and our most successful host tracks

were losing. The problem is when the best tracks in the major markets are losing; the national sport of Thoroughbred racing is losing. No one seemed to care.

In 1992, I wrote an article called “Whose Game Is It?” and for a time racehorse owners started to engage. Later that year, Ed Friendly resigned from the California HBPA Board and with Mace Segal and other friends started Thoroughbred Owners of California (TOC). Soon they successfully changed California law to mandate TOC as the rightful organization to represent racehorse owners for simulcast approval. Funding was provided for the HBPA to continue their role with backstretch issues.

The following year, Don Rudder and friends started Thoroughbred Owners of Florida (TOF) to do the same thing in that state. Just when it looked like we were going to engage racehorse owners, a strange thing happened. Commercial breeders in Florida and Kentucky convinced the leading racehorse owners who had signed up to start the TOF, to quit and as quick as it started, that was the end of the racehorse owners’ movement. No other state racehorse owners’ organizations were started.

The TOC represents every racehorse owner who starts a horse in California and they have done a fine job, however the TOC is powerless to change the current business model alone. The Interstate Horseracing Act (IHA) empowers and requires approval from the horsemen at receiving tracks in other states and they looked at California as the enemy.

By amending the IHA to rightfully empower racehorse owners across the country by law, we can avoid the state-by-state turf battles between breeders, trainers and racehorse owners. The structure in California is a good model. Each group — racehorse owners, tracks, trainers, jockeys and breeders — have a distinct organization. In other words, when they sit down to do business, they are not wearing more than one hat in California.

Today, with the current off-track business model, it has evolved to where there are no more “net exporting” tracks. Think about what that means to our sport. With the host track receiving only half (1 ½ %) of the 3% from off-track wagers, incentives to put on a good live show are gone. The host tracks cannot even afford to market their own races, so declining attendance at live racing and declining interest in the sport should not be a surprise.

The consumer research I have seen shows that the majority of the generation born since simulcasting started in 1978 does not have a favorable opinion of Thoroughbred racing.

We are losing the majority of a generation because we do not have a structure to protect and grow the sport.

Is it any wonder the tracks and horsemen are at each other’s throats? They are literally picking at the bones and trying to establish new businesses to go after the \$540 million leaking out of racing because of the insane model of the lion’s share going to “where the bet is made”.

Currently the horsemen’s groups are fighting with account wagering companies to start putting more into purses. But, the amount they are asking from account wagers (\$30 to \$40 million) pales in comparison to the \$540 million leaking from the system because of the basic problem of “where the bet is made”. Unfortunately, the horsemen have no appetite to change from the business model that favors “where the bet is made”. The original simulcast business model was a form of welfare for the small tracks that got out of hand.

How can we stop leaking \$540 million this year and assure a fair amount of all wagers on a host track’s races go into its purse account? We simply change the off-track business model from a buyers’ market over to a sellers’ market, where the lion’s share will go to the host track and racehorse owners putting on the show.

By engaging racehorse owners, we will start to have businessmen and businesswomen who understand the business model of the past twenty-five years is wrong. The host track and racehorse owners must control their product and its distribution. That is one of the most basic principals of business.

A Better Business Model

If racehorse owners develop a two-tier pricing model at the host track, we can continue a favored distribution system through other racetracks, while closing the leakage that occurs with other bet takers, such as account wagering companies and outlets with no live racing. Every phase of the distribution system must start contributing a fair amount to producing the show.

The first tier could be changing to an off-track model similar to the one the Breeders' Cup uses, where half of the takeout goes to the host track and the other half to the receiving track. That should keep about 8% in purse accounts when tracks trade signals.

The second tier-pricing model for other bet takers should start with a license fee of close to 8% going into purses at the host track. Exotic wagers have increased the total takeout to about 21% today, thus with a 5% commission paid to the off-track bet takers, the host track would receive about 8% for its role in putting on the show.

So, with about 8% going into purses, regardless of whether the bets were made on-track or off-track, each track will be on a level playing field for the first time. That's the model we should have had in place from the beginning. It is a model we can have in place soon.

When this change occurs, we may lose some distribution as off-track buyers adjust. If some current outlets are lost along the way, technology will allow bettors to continue wagering with the host tracks.

Why do you need 8% going to purses? Say you project the off-track handle on one day at the host track will be \$5 million. That would deliver \$400,000 to purses. Combining that with projected on-track handle of say \$500,000 at 8% (\$40,000), the purse account would get \$440,000, or enough for 9 races averaging \$40,000 each. Not bad, but less than it costs for racehorse owners to keep the horses in the game.

Under the current model, the purse account would only get 1 1/2 % of that \$5 million in off-track handle on its races, or \$75,000, plus the on-track contribution of \$40,000, for a total of \$115,000. Then the purse account and host track would be dependent on whatever came in from bets on other tracks' races. The track and racehorse owners do not have control over their own destiny under the current off-track model.

The Incentive To Produce A Good Show

What happens if the host track starts producing a good show? In a model where the host track purse account would get a fair 8% from the off-track handle on its races, if the host track can put on and market a good show and the off-track handle goes up to \$10 million, then the purse account would get \$800,000. Combining that \$800,000 with \$40,000 from on-track, would give you \$840,000, or 9 races averaging \$93,333. That's the incentive needed for putting on a good show. In addition, the host track and purse account would get 3 to 4% of wagers made on imported races.

Also, under the current off-track pricing model there is no incentive for the host track to market its races. Currently, the host track has more incentive to market other tracks' races to their simulcast customers, than to market their own races. Not surprisingly, there are a lot of

people scrambling to come up with a new business to go after the \$540 million being leaked out of purses.

Who will lose when the leaking is stopped? The only people who will lose when the offtrack business model is changed are those not involved in live racing. If any entity involved in live racing loses under the change, then they were doing something they should not have been doing. TrackNet, a joint venture of Churchill Downs and Magna Entertainment, wants the account wagering companies (ADW's) it owns to pay 7% to host tracks (3 ½ % to purses), then a wild mix of "source market fees" and 2% to 3% of handle to the television company they own. For areas of the country without a track nearby, all the rest of the money goes to TrackNet. That means the purse account at the host track would only get 3 ½ %, but their "partner" host track could get upwards of 15%. That doesn't seem to fit the agreed upon split of 50-50 does it?

Churchill Downs and Magna Entertainment own the television company, HRTV, jointly. They want it funded by a percentage of handle, 2 to 3%. Under such a model, HRTV would either be underpaid or overpaid. Television production is a fixed expense and should be paid a set amount. It would be good for the host tracks to sit down with their partners, the racehorse owners, and agree on the value of television production and how it can be funded properly to grow the business and the sport. It is not good business to fund television production with a percentage of handle.

If racehorse owners will engage now in the business side of running the sport, we can then hope it will spill over into other issues like safety of the participants and a host of other issues. With a national racehorse owners' organization, they can decide how best to protect and grow the sport at every level. It's their game.

Over the years, I have commissioned a great deal of consumer research on Thoroughbred racing. I can assure everyone there is a clear path for Thoroughbred racing to restore itself as a successful, national sport. But, it cannot be done without putting in place a business model that provides an incentive to put on the live racing show. The process starts when racehorse owners engage, fix this obvious problem and take responsibility for their game.

The nature of an action sport like Thoroughbred racing means bad things are going to happen from time to time. We need to make our sport strong enough to overcome problems.

I like the word "engage" as it applies to racehorse owners. It brings to mind the movie *Top Gun*. The crisis in the movie came when the lead character, Maverick, would not engage to protect his partner and his lack of commitment was putting his carrier ship in danger. When Maverick overcame his fears, took responsibility and engaged, his partner was saved, the ship was saved and the story had a happy ending.

We need some racehorse owners with a little maverick in them to engage now and save the sport of Thoroughbred racing.

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Chapter 6

STATEMENT OF DR. WAYNE MCILWRAITH BEFORE THE SUBCOMMITTEE OF COMMERCE, TRADE AND CONSUMER PROTECTION*

INTRODUCTION

By way of introduction I am Professor of Surgery and Director of the Gail Holmes Equine Orthopaedic Research Center at Colorado State University. I also hold the Barbara Cox Anthony University Endowed Chair in Orthopedics at CSU. I consult world-wide as an equine orthopedic surgeon and therefore am involved in the immediate repair and treatment of equine musculoskeletal injuries, as well as trying to find better answers for both fatal orthopedic injuries, as well as day to day orthopedic problems in the horse through our research program at CSU. I am also a past-President of the American Association of Equine Practitioners and the American College of Veterinary Surgeons (the Specialty Board for Veterinary Surgery). I participate in the AAEP “on call” program and Dr. Larry Bramlage and I act as the AAEP “On Call” veterinarians at the Annual Thoroughbred World Championships/Breeder’s Cup races. I also participated in the Grayson-Jockey Club Foundation sponsored Welfare Safety Summits in October 2006 and March 2008 and am Chair of the Subcommittee on Race Track Surfaces.

This collective experience is the basis for my statements and comments that follow. I will restrict my comments to areas where I either have some expertise or research findings, clinical experience or consensus of my peers. There are two parts to my discussion on each issue.

1. Factors that are purported to be of significance to the welfare of the Thoroughbred race horse.
2. What we have been doing and are doing to decrease injuries through research and strategic planning.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

Thoroughbred horses can suffer catastrophic injuries during racing or training. This wastage was first recognized in the literature twenty-five years ago. Severe physical demands are placed on the musculoskeletal system of horses during the high-speeds reached during racing and training. Because of the importance of musculoskeletal injury there has been considerable interest in studying factors that predispose to such injuries and efforts have been directed to this area since the mid-1980s. The Mission Statement of the Orthopaedic Research Center at Colorado State University is to investigate the pathogenesis, diagnosis, treatment and prevention of musculoskeletal disease and injury for the betterment of both animals and humans. We have five research focuses and all of them are relevant to the issue of the welfare of the racing Thoroughbred. They include:

1. Joint tissue healing
2. Early diagnosis of bone and joint disease
3. Continued development of novel therapies for traumatic synovitis, capsulitis and osteoarthritis in the horse
4. Improvement in the understanding of the pathogenesis of exercise-induced traumatic disease
5. Investigation of rehabilitation and physical therapy techniques for musculoskeletal disease.

FACTORS OF SIGNIFICANCE OR RELEVANCE TO MUSCULOSKELETAL INJURY

1. Racing Thoroughbreds Have Fewer Starts Now than Previously

There has been a working hypothesis that Thoroughbreds are less sound and durable than before. The evidence is that there are fewer starts per horse and shorter careers now. In 1950 Thoroughbreds in the United States and Canada raced an average of 10.9 times per year. By 1960, that average peaked at 11.31 races per year. By 2007 it had fallen to 6.31 races per year. Some believe this is evidence that the Thoroughbred breed is weakening. Certainly, such data implies that racing Thoroughbreds are less durable, but factors such as increased competition demanding increased levels of training and more stress on the musculoskeletal system also have to be considered. A global approach to examine all possible factors for the decreased number of starts is appropriate.

2. Racing 2-year Old Horses

A common opinion advanced in recent weeks (and indeed many years prior to that), is that the solution to musculoskeletal injury in the racing Thoroughbred is eliminating 2-year old racing. The Jockey Club recently released data retrospectively looking at the 1997 Thoroughbred foal crop in North America (Steeplechase racing excluded):

Total Numbers Followed

NA Starters	2-year old	3-year old	4-year old and up
23,031	10,920	9,861	2,250

Average lifetime starts according to age when first started

2-year old	3-year old	4-year old and up	Overall
24.58	8.66	12.32	20.85

Average lifetime starts when first started as 2-year old (excluding starts as a 2-year old): 21.04

This last figures provides evidence that the horse's career after its 2-year old year, when started as a 2-year old, was still superior (and considering number of lifetime starts) compared to horse's that were started at 3 years of age or older.

In further support of these data, Drs Chris Kawcak and I at Colorado State University participated in a collaborative project in New Zealand (two collaborators from Massey University in New Zealand, two collaborators from the Royal Veterinary College in London and two collaborators from the veterinary school at Utrecht in Holland). The hypothesis of this research was that exercising foals and yearlings to strengthen their musculoskeletal system could improve their ability to stand up to the rigors of racing later. The results confirmed that, if done correctly, exercising the very young horse (and also exercising a 2-year old) is beneficial in strengthening the horse's musculoskeletal system and decreasing the risk of long-term injury. As background, it has been recognized for considerable time that when a horse goes into exercise (no matter what the age) there is necessary remodeling of the bones (and also the articular cartilage, ligaments and tendons) to increase strength. Initial work was done by Dr. Daniel Nunamaker at the University of Pennsylvania finding that short, faster exercise could help decrease "bucked shins", which are a manifestation of the remodeling process to strengthen bone. Results from New Zealand showed that foals which were cantered starting at 3 weeks of age and went through an increasing controlled exercise program up to 18 months of age showed improvement in the condition of the articular cartilage in the joint. Most importantly it was shown that there were no deleterious effects on bone, tendon, or any other musculoskeletal structure with this early exercise regime.

3. The Presence of Prior Damage Leading to Catastrophic Injury and Early Recognition of This Damage is Critical to Fracture Prevention

There is an accumulating body of evidence for the presence of microdamage (this term includes change associated with remodeling, as well as direct microcracks and diffuse damage in the matrix of the bone under the joint surface) leading to the catastrophic fractures that we see in the fetlock joint (these include condylar fractures and biaxial sesamoid fractures that cause collapse of the suspensory apparatus). These studies are summarized as follows:

- a) Recognition by Dr. Roy Pool at UC Davis that intra-articular fractures (fractures in the joint) were pathologic fractures i.e. they occurred in already diseased bone
- b) Recognition by Dr. Sue Stover at UC Davis based on examining necropsy material from the California Post-mortem Program that stress fractures lead to complete fractures in the humerus
- c) Experimental production of early microdamage with exercise in work done by Dr. Chris Kawcak and our group at CSU
- d) Initial demonstration by Dr. Chris Riggs and co-workers at the Royal Veterinary College in London that linear defects in the mineralized cartilage and subchondral bone in the palmar/plantar aspect of the parasagittal groove adjacent to the sagittal ridge of the distal metacarpus were closely related to change in ossification pattern in the subchondral bone and intense local remodeling. A striking relationship between these defects and bone sclerosis patterns and complete condylar fractures was made. It was concluded that these were another example of fatigue (or stress fractures) in the racing Thoroughbred.
- e) Recognition with computer tomography (CT) that these sclerotic patterns developed in the parasagittal groove area with exercise and that density gradients develop resulting in change in elastic modulus and a subsequent concentration of shear force in this region. Subsequent repair processes lead to a concentration of resorption space, further weakening the bone and predisposing to catastrophic fracture. Recent work at CSU by Drs Marty Drum and Katja Duesterdieck has demonstrated our ability to follow these changes with CT.

Based on these findings further research in three areas is ongoing.

- 1) *Investigation of factors that might influence pre-disposition to these fractures in a given horse- Examples of these include:*
 - i) Joint and muscle modeling. Our group at Colorado State University is collaborating with Dr. Marcus Pandy at the University of Melbourne (an engineer who has modeled the human knee and modeled the forces on the carpus and fetlock joint in the forelimb of the athlete). This includes taking a multi-faceted approach involving kinematics (gait analysis), CT and MRI to calculate forces across the joint, as well as muscle forces. The working hypothesis is that certain conformations could pre-dispose to injury and these conformations could be manipulated in the clinical patient.
 - ii) Work at UC Davis by Dr. Sue Stover also involving modeling, particularly of the suspensory apparatus (relevant to fractures of the sesamoid bones) and also involving an instrumented shoe to evaluate forces objectively.
 - iii) A project currently funded by the Horseracing Betting and Levy Board in England, as well as the Grayson-Jockey Club Research Foundation being done at CSU and the University of Liverpool looking at joint congruency in horses that are fractured with a hypothesis that individual variation and joint congruency (evaluated with finite element modeling) could identify horses predisposed to these injuries.

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- iv) Genetic work being done at the Animal Health Trust in Newmarket on SNP Analysis (genetic profiling) of horses that fracture compared to horses that don't fracture.
- 2) *Exercise may manipulate the musculoskeletal system in early ages to make it stronger and decrease the susceptibility to injury (discussed above).*
- i) A critical question we are trying to answer in the Global Equine Research Alliance (CSU, Massey University New Zealand, Royal Veterinarian College London, Utrecht Holland) is what is the optimal level of exercise (and when should it be applied) to have optimal bone remodeling and prevention of injury?
- 3) *Early diagnosis of microdamage*
- i) Work has been ongoing at CSU with imaging techniques, as well as with fluid biomarkers for the past 10 years. It is well-recognized that nuclear scintigraphy (bone scan) has been used to pick up stress fractures in the humerus, tibia and pelvis and early recognition of these has allowed prevention of numerous catastrophic fractures. These horses are identified by lameness that cannot be localized to the distal limb and the bone scan provides the definitive diagnosis (such fractures commonly cannot usually be diagnosed with radiographs).
 - ii) The challenge is to identify the horse that is not lame but has microdamage present and therefore potentially has an incipient fracture. Although we can recognize the density gradients in the parasagittal groove of the fetlock joint (the initial problem that is associated with condylar fractures) with such modalities as CT (and probably also MRI) the problem is to get the horses routinely screened. The use of serum (blood) biomarkers offers the greatest potential to identify a horse at risk in a practical test.
 - iii) The principal of fluid biomarkers is that the collagen and proteoglycan components of cartilage and bone breakdown early in the disease process. We have a platform of biomarkers (antibody tests) that can measure the levels of these breakdown products and therefore pick up early degradation and therefore detect early microdamage in cartilage and bone. Work is ongoing to add genetic and proteomic biomarkers to this platform. We are currently working with a commercial company to develop a commercial panel that would be available to the equine industry. A number of papers have been published and there are also other papers in press that show that we can identify early damage in the cartilage and bone in the joints, we can distinguish changes in biomarkers with disease in exercised horses compared to exercise alone (biomarkers change with exercise).
 - iv) In our most recent study funded by the Grayson-Jockey Research Foundation and done in racing Thoroughbreds in Southern California, we found that with sequential blood samples we could pick up changes in biomarkers 6 weeks prior to an injury occurring. Our accuracy in this study was approximately 70%. We are striving to work towards 100% accuracy with these tests. The future vision is that we could identify a horse at risk with monthly sample of serum biomarkers; if that horse has elevated biomarkers, the horse would then be subjected to

nuclear scintigraphy and/or a CT scan to find the area of damage. The important factor here is the horse would be taken out of training; most of the microdamage can heal on its own and catastrophic fracture would be prevented.

4. The Role of Rest after Injury

As implied previously, although turn-out and no training has been commonly prescribed as the solution to a horse with injury, newer research questions this dogma. Controlled exercise is needed to keep bone and other musculoskeletal tissues in reasonable condition. While we are still low on the learning curve here, the advent of rehabilitation programs including swimming, underwater treadmill and other regimens are now an important part to brining horses back into race training.

5. Race Track Surfaces

For many years and in many instances, race track surface has been blamed for musculoskeletal injury in the horse. The recent advent of synthetic tracks has re-initiated a new level of blame on dirt race tracks. There is no question that we have an unacceptable rate of injury in the US. A paper published in the United Kingdom in 2004 cited the overall incidence of fatal distal limb fractures in all types of races to be 0.72/1000 starts (109 out of 151,901). The incidence was lowest in flat racing on turf with 0.38/1000 starts (29 out of 77,059) and highest in National Hunt Racing with 2.17/1000 (9 out of 417). Flat races run on all weather tracks had a higher risk of injury than flat races run on turf with 0.72/1000 (13 out of 18,178). A number of studies have been done in the US and most recently at the 2008 Welfare Summit; Dr. Mary Scollay data reported 1.47 deaths/1000 starts on synthetics and 2.07 deaths/1000 on dirt tracks. Synthetic tracks, at least based on this preliminary data, decreased fatal injury. In unpublished work by Dr. Jeff Blea and myself in Southern California we observed a significant reduction in non-fatal bone and joint injuries.

On the other hand, synthetic tracks have not served as a panacea and continued work is needed on optimal maintenance of these surfaces. Careful research needs to be done and is ongoing for objective evaluation of these tracks, relating it to real results and defining the optimal methods of track maintenance for the superintendents (including dirt, synthetics, and turf surfaces). Ongoing research has shown that all synthetic tracks, for instance, are not equal. There is variability and the need for careful analysis maintenance methods. Some manufactures have more experience than others. Ongoing research is a critical part of this effort and clarification of what is real compared to anecdotal.

While anecdotal associations have been made between race track characteristics and incidence of musculoskeletal injury, few scientific studies have been performed. One study in Minnesota made an association between vertical impact to characteristics of the dirt race track and injury (Robinson *et al* 1988, Clanton *et al* 1991).

Proper investigations of tracks require quantitative information describing the surface. Previous track measurements have used some type of light-weight drop test apparatus. The vertical component considered in these studies is the primary force. A second essential element of loading during motion of the horse is horizontal, which depends on the shear

strength of the track surface. Dr. Mick Peterson at the University of Maine and myself have been involved in developing tests that would reproduce the loads and speeds of a horse's hooves at a gallop and measure the response on a small surface area. As depicted in Figure 1, a specialized system was designed with a hoof shaped impactor (Peterson *et al* 2004) that reproduces the hoof velocity in vertical and horizontal directions and the effect of mass at the moment of impact at a gallop. Sensors on the device record the loads and decelerations on impact with the ground. The system measures the effect of the deeper track layers on the impact load on the hoof. A preliminary study to evaluate the effects of track maintenance procedures that are commonly used in the western and southern United States on the mechanical properties of the track that are relevant to hoof impact has recently been accepted for publication in the *Equine Veterinary Journal*.

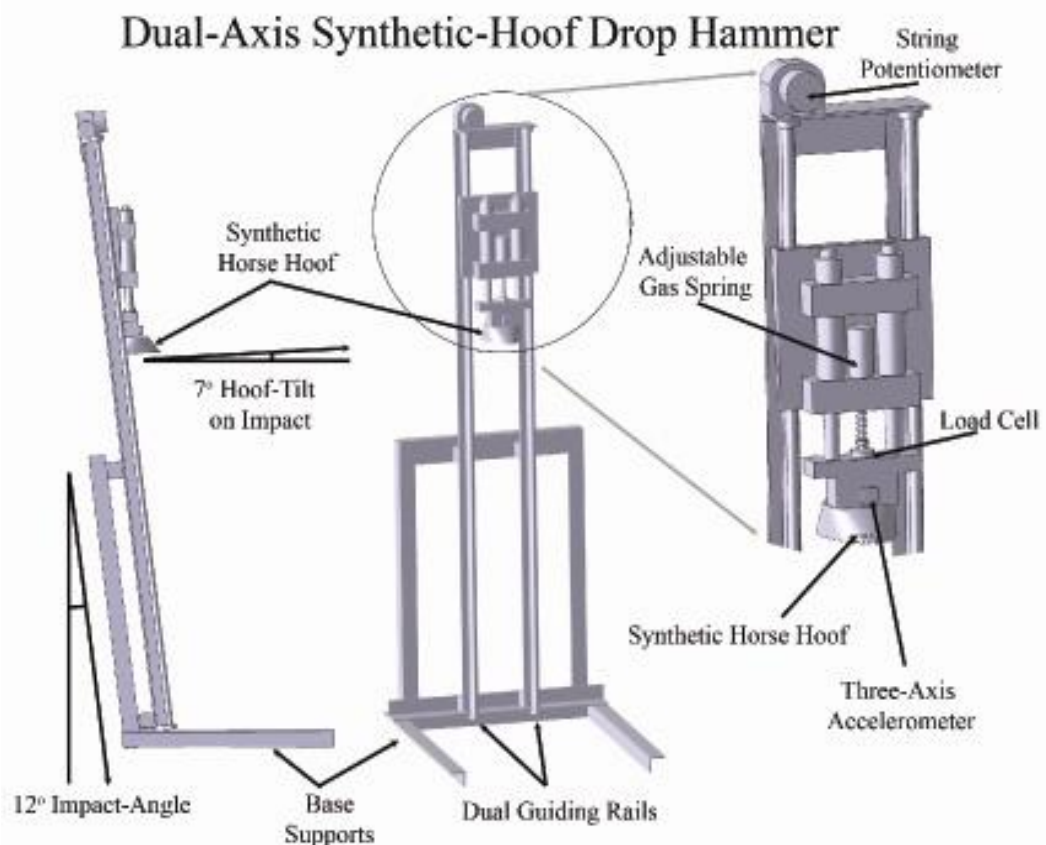


Figure 1. The system shown was developed to replicate loading of the hoof on a track. Figure from Peterson ML and McIlwraith CW. Effective track maintenance on mechanical properties of a dirt race track: A preliminary study. *Equine Vet J* 2008 in press.

In addition, Dr. Peterson has developed a method of measuring the base of the dirt or synthetic race track in terms of slope, as well as irregularity (presence of holes and steps) that has already been used in the practical arena to evaluate race track problems.

The development of both these techniques was initiated before the advent of synthetic tracks to try and support race track management in validating a track as "safe". Since the

advent of synthetic tracks, there has been considerable interest in objective comparison of these surfaces. Such testing mechanisms are a critical part of evaluating tracks objectively rather than anecdotally. Currently an algorithm for testing is being instituted that also involves testing individual track materials with X-ray diffraction and the Welfare and Safety Subcommittee on Track Surface recently voted to develop a laboratory to provide this service to race tracks.

Additional work that has recently been completed is evaluation and change with the Polytrack surface with temperature and how that can be manipulated, as well as the evaluation of the variability within a surface. Monitoring forms have recently been developed for use of dirt, synthetic and dirt tracks. The other significant part of this major research commitment, is epidemiologic data to validate the testing and the characterization of the “ideal” race track with injury rate. In Figure 2 below a chart of the tests which is proposed to manage race track racing surfaces is shown.

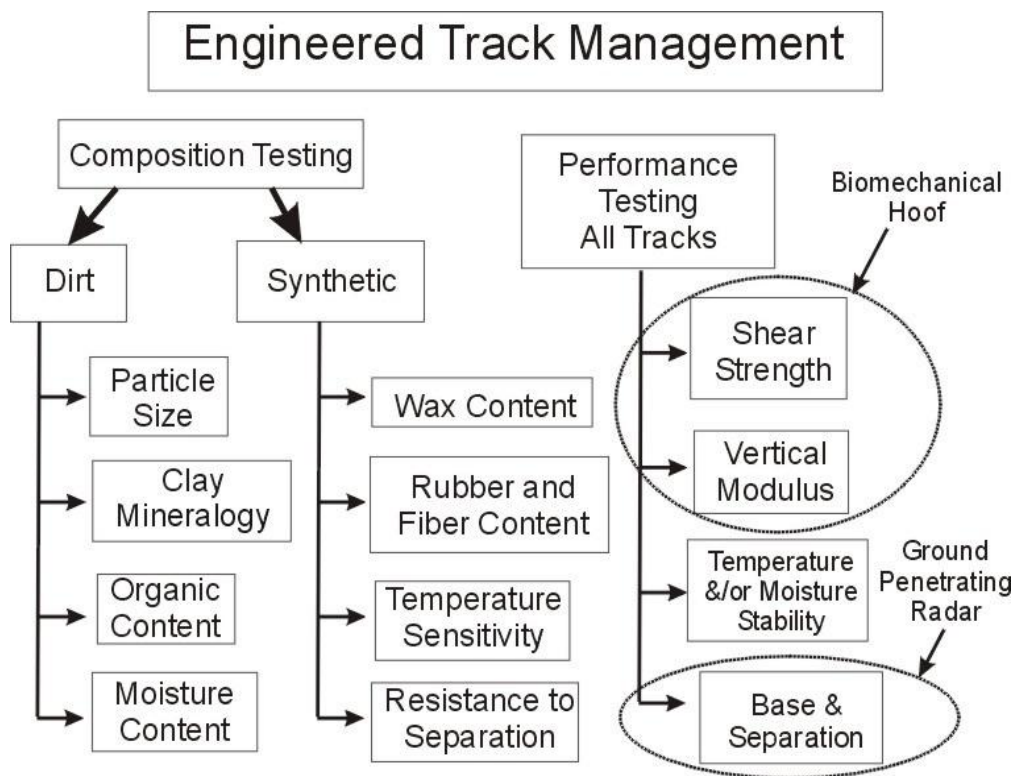


Figure 2. A chart of the tests which can be used to manage racing surfaces.

6. Medication

Medication and more particularly, over-medication have frequently been blamed for our problem. The concept of “the over-medicated, steroid-enhanced horse that is not as sound as before” has been recently espoused. Anabolic steroids are the most recent focus, but we went through a similar situation with the anti-inflammatory drugs and corticosteroids in the mid-

1980s. At that time associations had been made in the press to the extent that some people felt that any horse suffering a catastrophic injury must have been injected with corticosteroids. Research in our laboratory examined each of the commonly used corticosteroids and found that two out of three of the common ones were indeed beneficial to joints, but one was deleterious to the articular cartilage. Examination of that corticosteroid, as well as one of the beneficial ones regarding effect on bone found that neither had deleterious effects on the bone.

Anabolic steroids are currently being addressed specifically by the industry and discussed by other speakers today. It is to be noted that there have been extensive ongoing efforts and history in the area of needed medication. Veterinarians are the primary advocates for the health and safety of all horses involved in racing and are uniquely qualified to lead the discussion on the use of therapeutic medications. Therapeutic medications are legal prescription drugs used to heal or cure medical conditions affecting the horse. The use of therapeutic medication in racehorses is a complex issue. As stated in the AAEP's position on therapeutic medications in racehorses (2000), "In order to provide the best healthcare possible for the racehorse, veterinarians should utilize the most modern diagnostic and therapeutic modalities available in accordance with medication guidelines designed to ensure the integrity of the sport. To this end the following are the essential elements of AAEP policy concerning veterinary care of the horse:

- a) All racing jurisdictions should adopt uniform medication guidelines, testing procedures with strict quality controls and penalty schedules that strive to protect the integrity of racing, as well as the well-being of the horse.
- b) Stimulants, depressants and local anesthetics or other numbing agents present in a horse at the time of racing should be strictly forbidden.
- c) Product present in the horse present at the time of race that has been proven to interfere with accurate and effective post-racing testing should be strictly forbidden.
- d) No medication should be administered on the day of race with the exception of furosemide (Salix™). In the absence of a more effective treatment of exercise-induced pulmonary hemorrhage, the AAEP supports the use of furosemide as a day-of-the-race medication for certified bleeders.

Further evidence of the AAEP and its members having a long history of leadership on these issues, the AAEP initiated and coordinated the industry's first ever Racing Medication Summit in 2001 (I introduced this meeting as newly elected President). A diverse group of representatives from Thoroughbred, Quarter horse and Standardbred organizations came together with the goal of moving the racing industry to a position of uniformity in the area of medication policy, testing, security and penalties. From this Summit came the formation of the Racing Medication and Testing Consortium (RMTC), an industry supported and dynamic organization that is pursuing policy uniformity on the national level. Dr. Robert Lewis, an AAEP past-President in the current chair of the Consortium.

The Consortium meets four times a year. Thirty-two of 38 states have banned all race day medications, except the anti-bleeder medication Salix™. More recently the Racing Medication and Testing Consortium have suggested that all racing jurisdictions adopt a model to regulate anabolic steroids by January 1, 2009. Three states have already adopted the rule and others are moving the process along. The RMTC, which has no regulatory authority,

wrote the model rule in conjunction with the Association of Racing Commissioners International. The use of 1 of 4 anabolic steroids shall be permitted under the following conditions: Not to exceed the following permitted urine or plasma permitted concentrations. It spells out cut-off times for use of the four steroids which have valid therapeutic purposes and any other anabolic steroids prohibited to be administered.

- (1) 16 β -hydroxystanozolol (metabolite stanozolol [Winstrol])- 1 ng/ml in urine
- (2) Boldenone (Equipose) in male horses other than geldings; including Free Boldenone and Boldenone liberated from its conjugates)—15 ng/ml in urine
- (3) Nandrolone- 1 ng/ml in urine
- (4) Testosterone
 - (a) in geldings- 20 ng/ml in urine
 - (b) in fillies and mares- 55 ng/ml in urine
- (5) Any other anabolic steroids are prohibited to be administered
- (6) The presence of more than 1 of the 4 approved anabolic steroids in any concentration is not permitted.
- (7) Post-race urine or plasma samples collected from intact males must be identified in the laboratory
- (8) Any horse to which an anabolic steroid is being administered in order to assist in the recovery from illness or injury may be placed on the veterinarian list in order to monitor the concentration of the drug in urine. Once the concentration is below the designated threshold, the horse is eligible to be removed from the list.

With the 30- to 45-day cut-off before a race, the steroid would be effectively banned from use on race day. As was recently stated by Dr Rick Arthur, an AAEP past-President and Medical Director of the California Horse Racing Board, "Horses around the world race without anabolic steroids and very successfully. In terms of the sport, I doubt many people are aware that we don't regulate anabolic steroids. It is going to be difficult to convince the public that Barry Bonds can't have them, but these animals need them. It is something the racing industry is going to have to face and is facing, I think quite successfully".

Chapter 7

TESTIMONY BEFORE: THE HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON COMMERCE, TRADE, AND CONSUMER PROTECTION OF THE COMMITTEE ON ENERGY AND COMMERCE*

Lawrence R. Soma and Marilyn M. Simpson

University of Pennsylvania, School of Veterinary Medicine
New Bolton Center Campus
Kennett Square, PA, June 19, 2008

REGULATION OF ANABOLIC STEROIDS AND ANDROGENIC STEROIDS IN RACING HORSES IN THE STATE OF PENNSYLVANIA

Introduction and Background

Anabolic steroids are synthetic derivatives of the male hormone, testosterone, that have been modified for promoting protein synthesis, muscle growth, alter fat/muscle ratio and increase red blood cell numbers^[1]. These agents can exert strong effects on the body that may be beneficial for athletic performance^[2]. Androgenic steroids, on the other hand, are naturally occurring steroids, such as testosterone and nandrolone, that are produced by the non-castrated male horse (stallions) and estrogen by the female horse. Published information is available on human subjects that suggest improvement in the strength skills following the administration of anabolic steroids^[3-7]. The lack of well structured double-blind studies have led some to concluded that anabolic steroids do not increase muscle size or strength in males with normal hormonal function and have discounted positive results as unduly influenced by biased expectations of athletes, inferior experimental design, poor data analysis, or at best, inconclusive results^[4,8,9]. On the other hand, the perception of the public and anecdotal

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

information on dramatic changes in athletic performance have led the public to view the administration of anabolic steroids as cheating and enhancing performance beyond the athletes' natural ability. This perception is in all sports, including horse racing, and the administration of anabolic steroids to some horses violates the concept of a level playing field and risks the health and welfare of the horse.

Effects of Anabolic Steroids

Anabolic steroids have been extensively employed in equine racing over the past 25 years. Many practicing veterinarians attest to the gains in physical strength, stamina, and mental attitude when anabolic steroids are used in performance horses that have gone off-feed, and have a "stale" or "sour" attitude. This may be a substitute for more comprehensive veterinary care. Many may feel that the horse may be at a competitive disadvantage and thus, are administered steroids because others in racing do so. The improvement in athletic performance may be the result of change in behavior and aggressiveness more so than any specific effects on the physiological parameters that affect performance. Behavioral effects following the administration of anabolic and androgenic steroids have been supported by a number of studies.

In female horses, the injection of the male hormone, testosterone, eventually caused total suppression of all reproductive activity and the development of stallion-like behavior and aggression ^[10]. Following the administration of anabolic steroids to geldings and mares, components of stallion behavior have been described, characterized by teasing, mounting and aggressive behavior toward other horses ^[11-13]. The administration of testosterone to the gelded horse will dramatically alter its behavior. Current veterinary pharmacology text books do not discuss anabolic steroids from a therapeutic point of view, but only from the legal control aspects ^[14].

Studies Conducted on Anabolic Steroids in the Commonwealth of Pennsylvania

The impetus for the study of anabolic and androgenic steroids in racing horse in the Commonwealth of Pennsylvania was the common knowledge of their use and the observations by the Commission Veterinarians of pre-race aggressive behavioral problems in many horses coming to the paddock. Analytical methods were developed for the detection, quantification and confirmation of anabolic and androgenic steroids in plasma, and the methods was published in 2005 and 2006 ^[15,16]. Results from the analysis of plasma samples from winning horses in 2003 confirmed the extensive use of anabolic and androgenic steroids in that better than 60% of the horses racing in PA at that time were competing with a plasma concentration of an anabolic steroid and, in some cases, more than one steroid. The 3 most commonly found steroids in that study were boldenone, stanozolol, and testosterone. Studies were also conducted on the pharmacokinetics (elimination from the body) of 2 of the most commonly used anabolic steroids boldenone and stanozolol ^[17].

To date, the United States and Canada appear to be the only countries with horse racing that historically have not sanctioned the presence of anabolic steroids in racehorses during

competition, compared to European and Asian counterparts that monitor and issue stiff penalties for the use of anabolic steroids in equine athletes. Anabolic steroids were added to the list of controlled substances in 1991 under the Anabolic Steroids Control Act. Certain veterinary products fall under this act and have been reclassified as Schedule III drugs by the Drug Enforcement Agency (DEA). The drugs under the DEA Schedule III include boldenone, mibolerone, stanozolol, testosterone, and trenbolone and their esters and isomers^[14]. Despite these restrictions, anabolic steroids are easily obtained through internet and other clandestine sources. The stigma and penalties imposed on human athletes who have used or have apparently used anabolic steroids and related compounds are now cascading into the racing industry in the USA and today there is a higher level of awareness of the use of these drugs in the racing industry.

Regulation of Anabolic Steroids in the Commonwealth of Pennsylvania

The Commonwealth of Pennsylvania started regulating the use of anabolic and androgenic steroids on April 1, 2008. Prior to April 1, Pennsylvania horsemen and those in the surrounding states who were likely to race their horse in Pennsylvania were notified of the new policy as early as October of 2007.

The Commonwealth of Pennsylvania is regulating the use of anabolic and androgenic steroids by analyzing plasma samples obtained from equine athletes post competition. Plasma samples were chosen over urine because the pharmacological action of any drug is generally based on plasma concentration of the parent or active metabolite of the compound and not its concentration in urine. Thus, to determine if the drug had any pharmacological effect as to influence the performance of the horse at the time the horse was competing, the right place to look for the presence of the drug or in this case, anabolic steroid, is in blood/plasma. Furthermore, the complex excretion pattern of anabolic and androgenic steroids makes urine a more difficult and less meaningful medium to use in regulating the use of any drug. The use of plasma in screening for the presence of anabolic steroids allows its quantification. The use of plasma allows pharmacokinetics studies to be performed which can suggest some guidelines for veterinarians and horsemen, as the time periods for the steroids to be cleared from plasma.

Transition Period

Anabolic and androgenic steroids are eliminated from the body very slowly. As the result of this problem, the Pennsylvania Racing Commissions in concert with the various Horsemen's Associations agreed on a transition period using the plasma concentrations of anabolic and androgenic steroids as guideposts (see appendix 1 for transition policy). The transition period would allow the horses to compete during this period as the blood (plasma) concentrations of previously administered anabolic steroid(s) progressively decreased below the level of quantification and confirmation. As part of this transition period, pre-race sampling of anabolic and androgenic steroids was offered to those horsemen who were concerned that the concentration of a previously administered steroid in the horse was above a concentration that would trigger a violation. During the month of May of 2008, there has been

a progressive reduction in the number of horses with a quantifiable plasma concentration of steroids and as of June 10, 2008 most of the samples are free of quantifiable plasma concentrations of anabolic steroids. By “free of”, is meant undetected at the level of picograms – trillionths of a gram – per milliliter of plasma.

Intact Male Horses (Stallions)

The androgenic steroids, testosterone and nandrolone, are naturally produced in measurable concentrations in the intact male horse; therefore, the proposed regulation requires that a tolerance threshold be suggested for the intact male horse above which concentration during competition would suggest that commercially purchased testosterone or nandrolone had been administered. To accomplish this, studies sponsored by the Pennsylvania Horse and Harness Racing Commissions are in progress.

Nandrolone, naturally present in the intact male horse was not detected in non-race track geldings or mares, and therefore, its presence in racing geldings or mares was due to exogenous administration. Both genders have low plasma concentrations of the opposite male or female hormone. Low plasma concentrations of testosterone can be detected in some female horses. These drugs, if detected, are usually at plasma concentrations below the level of quantification and so are considered inconsequential; similarly low concentrations of estrogen can be found in the male.

BACKGROUND INFORMATION ON EXERCISE-INDUCED PULMONARY HEMORRHAGE (EIPH, BLEEDING) AND FUROSEMIDE (LASIX™, SALIX™).

Introduction

Small amounts of blood in the nose of the horse following vigorous exercise have been noted for many years. Initially, the origin of the bleeding was thought to be from the head or nasal cavity, or basically a bloody nose. When this was observed, the horse was commonly referred to as a “bleeder”. It was Cook in 1974 that suggested that the source of blood in the nose of a horse following vigorous exercise was from the trachea and lungs ^[1]. With the development of a fiberoptic endoscope long enough to examine the deeper portions of the horse trachea (windpipe) and lungs, Pascoe in 1981 confirmed the source of the hemorrhage as the lungs and termed the condition as Exercise-induced Pulmonary Hemorrhage ^[2]. Exercise-induced pulmonary hemorrhage (EIPH) or “bleeding” has been observed in Thoroughbred, Standardbred, Quarter Horses, and in all competing horses. Until recently many were convinced that the Thoroughbred horse bled more frequently than the Standardbred horse. However, the result of a recent study showed that the incidence is virtually identical between these 2 breeds of horses ^[3]. The hemorrhage was related to the intensity of exercise and not the duration and is a condition that is prevalent in all horses worldwide ^[4]. A relationship between severity of bleeding and racing success has not been

established ^[2,4,5]. This is counter-intuitive to the assumption that if a horse bleeds its performance will be impacted; on the contrary horses that bleed still win big races.

Diagnosis of EIPH

There are a number of ways in which EIPH can be diagnosed. Occasionally horses will show evidence of bleeding by a small quantities of blood appearing at the nostrils following or up to 1 to 2 hours after the race. Most often the horse will swallow the small amount of blood and the diagnosis is made by endoscopic examination of the lung 1 to 2 hours after the race by looking for blood in the trachea or a tracheal wash to examine the number of red blood cells.

Mechanism of Exercise-Induced Pulmonary Hemorrhage (EIPH)

The mechanism of EIPH in the horse was suggested by West in 1993 as “stress related failure of pulmonary capillaries”, which means that the smaller vessels (capillaries) in the lung can rupture when exposed to high blood and lung pressures ^[6-9]. This concept was confirmed in the horse when it was shown that very high pressure could produce rupture of small capillaries in the lungs leading to hemorrhage ^[10]. Following this break in the integrity of the small and very thin pulmonary capillaries, some red blood cells would become trapped within interstitium of the lungs and some will leak into the air sacs (alveoli) of the lungs. Red blood cells in the air spaces of the lungs will work their way upwards into the trachea and be eventually cleared from the lungs and airways by the ciliary escalator. The cells that appear in the airways and the trachea from are used as markers to confirm that the horse had bled.

Pressures of over 100 mmHg in the lungs arteries are realistic in the exercising horses especially when rapid swings in breathing pressures are also taken into account ^[9,11-13]. Compared to other species, including man, the horse has high lung arterial pressures during exercise. When lung arterial pressure exceeded 90 mmHg there was an increase in red blood cell counts from materials washed from the trachea indicating pulmonary hemorrhage had occurred. These pressures within the lungs can be achieved at treadmill speeds of 33 mi/h. Most horses exceed these speeds during a race. It is speculated that the arterial pressures may be higher in the horse competing on a track surface with a rider on its back.

Furosemide and the Reduction of Pressures in the Lung

Furosemide is used as a pre-race medication with the expectation of reducing arterial lung pressures, thereby reducing or eliminating EIPH. The reductions in pulmonary pressures produced by the administration of furosemide have been reported to be in the range of ~10 to 15 mmHg ^[14-17]. With estimated transmural pressures of over 100 mmHg created during exercise in horse, the pressure changes produced by the administration of furosemide are not of sufficient magnitude to reduce pressure within the capillaries to a level where hemorrhage resulting from rupture of the capillaries would be prevented. From a physiological prospective, the reduction of pressure produced by the administration of furosemide is not of sufficient magnitude to prevent or markedly reduce EIPH.

Effect of Furosemide on EIPH

Furosemide has been used empirically and has been approved for many years by the racing industry for the control of exercise-induced pulmonary hemorrhage (EIPH) or “bleeding” in racehorses. Its use in horses for this purpose has been controversial and has been criticized by organizations outside and inside of the racing industry. Despite the use of furosemide, horses continue to present blood in the trachea after exercise. No studies have shown a complete absence of blood from the trachea, in horses diagnosed with EIPH post-race or exercise, as a result of furosemide administration ^[3,17-22]. One study did, however, report that 64% of Thoroughbred horses administered furosemide before exercise had a decrease in blood in the trachea, although the report has not been verified by others investigators ^[23]. The majority of reports indicate that furosemide does not prevent EIPH in horses.

Furosemide and Performance

Literature available on this subject suggests that furosemide has the potential of increasing performance in horses without significantly changing the bleeding status. In a race track study conducted on Thoroughbred horses, there was an improvement in racing times in many horses after the administration of furosemide with similar observation in Standardbred horses ^[24,25]. One study examined the records of 22,589 Thoroughbred horses racing in US and Canada with and without the pre-race administration of furosemide. The conclusion of this study was similar to those of less extensive studies; horses that were administered furosemide raced faster, earned more money, and were more likely to win or finish in the top 3 positions than horses that did not ^[26]. A study which examined the effects of furosemide on the racing times of horses without EIPH under racing conditions showed an increase in racing times in many of the horse. The difficulty in the conduction of this study was based on the fact that it is difficult to find a population of horses that do not bleed following exercise, but the overall conclusions were similar to those of other studies ^[20].

Results from very elegant treadmill studies indicated that the increase in speed was due to significant weight loss produced by the administration of furosemide and not by any specific stimulatory or direct ergogenic effects on the horse. Based on the reduction in weight, the accumulated oxygen deficit was less during the 2-minute run as was the production of lactates. Thus, the sudden weight loss due to water loss (diuresis) induced by furosemide allowed the horse to run faster. This effect was reversed by the addition of an average of 16.1 kg of added weight to the horse which was the estimated weight loss due to the diuresis produced by furosemide administration 4 hour before exercise ^[27,28]. Others have also concluded that the reason for the increase in speed of the horse was the loss of weight due to the loss of body fluids produced by the administration of furosemide ^[29]. Replacing this weight loss negates the effect of its administration.

Administration of Furosemide (Lasix™) and Detection of Drugs in Urine

Furosemide (Lasix™, Salix™) is a rapidly acting diuretic ^[30] and its intravenous administration results in a number of changes. The most visual effect is the increase in urine volume. This increase in the production of urine which starts in about 10 minutes following intravenous administration produced a decrease in urine specific gravity; this results in reduction of the kidneys ability to concentrate drugs in urine. The main concern with the administration of furosemide is the reduction in post-race specific gravity produced by the extensive urination, and the possible influence that this dilution might have on the detection of therapeutic medications and drugs in urine ^[31-36]. It is important that a sufficient period of time be allowed for the specific gravity of urine to return to normal, and that the dose of furosemide administered pre-race is compatible with this concern.

Most equine analytical chemists use the specific gravity of 1.010 as a cut-off point below which the detection of drugs in urine may be compromised. In most racing jurisdictions a 3½ to 4-hour rule exists for the race-day administration of furosemide, with dose of 100 to 500 milligrams allowed by intravenous administration.

Methods of detection have improved since these studies were conducted and more sensitive methods are currently being used by most laboratories which reduce the impact of dilute urine on the detection of drugs, but it does not eliminate the impact of very dilute urine on drug detection. The use of plasma is becoming more prevalent in the detection of drugs and furosemide administration has little effect on the plasma concentration of drugs.

Comments on the Health and Welfare of Horses

A very basic element in the health and welfare of the horse is the living and training environment of race tracks. Well ventilated barns are essential in reducing dust in the environment that horses are exposed to on a daily basis, and reducing the transfer of communicable diseases when outbreaks occur. Dusty and poorly ventilated barn conditions contribute to pharyngitis, bronchitis and other respiratory disorders that can sideline a horse from competition. Track surfaces on which the horse train and compete is an issue that will be discussed by others on this panel.

Funding for research in horse health and welfare is limited to non-existent and yet the horse carries the burden and the responsibility of keeping us in the business of racing. The total annual economic impact of the horses and horse racing in many states is large, yet the research on the health issues of one player upon which the weight of the industry rests is generally neglected. Other viable industries have vigorous research and development programs.

There are many health issues that can be addressed, but the ones outlined below can have the greatest short-term and long term economic impact on the racing industry.

An area of greatest concern for short-time economic loss in the competing horse, are muscle and skeletal injuries and respiratory and airway diseases. Many of these conditions impact the well-being and prevent the horse from competing on a short time basis.

Conditions that result in catastrophic economic loss and death in horse are laminitis, gastro-intestinal emergencies, and catastrophic track injuries. Other areas of concern for maintaining the health and well-being of the horse are lack of good pain management in

injured horses and the growing concern of antibiotic-resistant infections, as well as equine nutrition, reproduction, growth, and nutrient management. Maintaining the strength of the gene pool requires investigations into improvement of the longevity of breeding female and male horses and research into foal losses and sustaining pregnancy to term. Others can add to this list of the many conditions where research funds would contribute to the health of the horse. Veterinarians are the primary advocates for the health and welfare of the horse and it is essential that these concerns are actively addressed.

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APPENDIX 1

Steroid Policy: see Pennsylvania Department of Agriculture, Commissions and Councils, Horse Racing Commission for March 24, 2008, announced a policy for the use of steroids in Thoroughbred racing.

Chapter 8

WRITTEN TESTIMONY TO THE COMMITTEE ON ENERGY AND COMMERCE*

Randy Moss

Thank you, Vice-Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee.

My name is Randy Moss. I work as a horse racing analyst and reporter for ESPN and ABC Sports.

I'm not the football player. I also have never trained racehorses, have never ridden racehorses, and I have had no veterinary training. I have been asked to join today's discussion because I have been close to thoroughbred racing for 30 years, as a newspaper reporter, handicapper and freelance writer; through brief stints as a racetrack manager, jockey agent and publicist; and for the last decade in television.

Because of these positions, I have had extensive conversations with trainers, jockeys, owners, breeders, racing executives, racing administrators and veterinarians about a variety of issues, some of which are being discussed here. Just as importantly, I have a regular dialogue with horseplayers, the bettors who are the lifeblood of horse racing but whose opinions are too often overlooked.

As a result of all this, I have developed plenty of my own opinions along the way that – for better or worse - I seldom hesitate to express.

For starters, one opinion is that thoroughbred racing occupies a unique position in sports - combining tradition, excitement, pageantry, the majesty of one of the world's most beautiful creatures, and, of course, gambling.

But in one respect, thoroughbred racing is no different than the NFL, NBA or major league baseball: each sport has problems and challenges that must be confronted head-on for that sport to thrive.

And thoroughbred racing has its share of issues. Some can be easily corrected and others can't. But this is no time for a head-insand approach.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

The way I see it, the single biggest dilemma facing this sport is the haphazard and dysfunctional manner in which racing is scheduled and administrated.

Unlike other sports, racing has no “league office” with power to make decisions for the long-term best interests of the sport. Instead, racing rules and racing dates are set by politically-appointed racing commissioners in each state, whose decisions are typically motivated by what they perceive to be best for that particular state and often are at odds with the best interests of the sport as a whole.

Imagine if the NFL were set up to permit each state to field as many pro teams as it wanted, play as many games as it wanted all year long, and set its own individual football rules with no enforceable league guidelines. In modern-day America, horse racing has always been set up in this fashion.

During the glory days of racing, when horse racing was practically the only outlet for legal gambling, it didn’t matter. In that scenario, racing was almost impossible to screw up.

But now, racing faces intense competition for the gambling and entertainment dollar. At a time when the sport desperately needs a single-minded and consistent strategy in the marketplace, it has 38 racing states with 38 sets of rules and 38 different priorities. And that is a recipe for disaster.

Thoroughbred racing is cannibalizing itself. This Saturday alone racing will be conducted at Belmont Park on Long Island; at Charles Town and Mountaineer Park, both in West Virginia; at Delaware Park; at Colonial Downs in nearby Virginia; at Laurel Park just across the border in Maryland; at Finger Lakes in upstate New York; at Monmouth Park in New Jersey; at Penn National, Philadelphia Park and Presque Isle Downs, all in Pennsylvania; and at Suffolk Downs in Massachusetts. And these are only the racetracks in the Northeast region of the country.

Incredibly, each track has determined that this type of scheduling is best for itself and its horsemen, even though these tracks are essentially competing for the same horses. There aren’t enough good horses to go around, and thus the quality of racing at each track is cheapened, average field sizes in the best races are reduced, and consequently frustrated horseplayers bet less money.

At tracks such as Saratoga Race Course, Keeneland Race Course and Del Mar, the sport thrives on short boutique racing seasons that create a festival atmosphere and yearly anticipation. Unfortunately, too many other tracks are content to grind out a profit through quantity instead of quality, with endless cards of cheap races run for a dwindling fan base. Horsemen are complicit in this, as well, since they typically resist efforts to reduce racing dates, as do state racing commissioners, who are often reluctant to endorse less tax revenue today in exchange for a more positive long-range outlook.

Another effect of these extended racing seasons is the pressure it puts on horses, especially in areas of intense track-to-track competition such as the Northeast. In a struggle to fill races, racetracks are forced to pressure trainers to run horses more frequently than they might otherwise feel comfortable doing.

Thoroughbred racing in America is proof that there can indeed be too much of a good thing.

Racing’s lack of a powerful central authority is also a primary reason for medication controversies currently engulfing the sport. In the 1970s, American horsemen began convincing state authorities that legalization of raceday medications would help them run horses more frequently in support of racetracks that were scheduling everlonger racing

seasons. Because longer racing seasons pitted tracks against each other in intense competition for horses, every state eventually conceded to the easing of medication restrictions so as not to be at a competitive disadvantage with other states. Thus America became the only racing country in the world to permit raceday use of drugs such as analgesic Butazolidin and diuretic Lasix, which lowers blood pressure and is believed by many to reduce the occurrence and severity of the EIPH (exercise-induced pulmonary hemorrhaging) that hampers the breathing of some racehorses.

Included among accepted raceday medications were anabolic steroids such as Winstrol, which is still legal in 28 racing states. Steroids would eventually gain widespread use as an appetite stimulant and to help horses recover more quickly from the effects of exercise and put on muscle mass.

But well before the highly-publicized breakdowns of Barbaro and Eight Belles, many within the sport were becoming convinced that lax medication rules were having a negative rather than positive effect on American racing.

Despite the initial arguments that medication would enable horses to race more often, the opposite happened. From 1975 to 2007, average starts per horse per year dropped a staggering 62% - from 10.23 to an all-time low of 6.31 last year.

The vast majority of trainers now complain that their horses have become much more fragile. Potential explanations of this perceived increased fragility are numerous and complicated, including the possibilities that medication has weakened the gene pool and that commercial breeding practices driven by the marketplace have shifted too much toward brilliance rather than durability.

At the same time, raceday use of Lasix has been allowed to spiral out of control – even though the drug is banned by the World Anti-Doping Agency because it is allegedly used to mask the presence of more powerful illegal stimulants. Of the 92 horses entered to run today at Belmont Park, 88 were designated to run on Lasix. This is not what was originally intended.

Now for the good news: the Racing Medication and Testing Consortium (RMTC) was founded in 2002 and under the guidance of Dr. Scot Waterman it has made great strides in medication reform and recommended penalties for drug offenders. Owners and trainers have become frustrated and confused at the different medication guidelines for various states, and they have gradually begun to embrace uniform rules suggestions developed by the RMTC, even though these rules are rolling back raceday medication use considerably. Now, according to Waterman, the primary difference between medication rules in the U.S. and Europe is in the use of Lasix and steroids. The RMTC is recommending strong restrictions on steroids, and many states are listening.

One of the holdups, as always, is funding. The RMTC needs continued – and additional – funding to continue its good work. The sport needs to find the revenue to consolidate its 18 testing laboratories and enhance testing procedures for items such as EPO, or Epogen, which is lesser-known by the public but is perceived to enhance performance much more than steroids.

Also, in the wake of the Eight Belles tragedy, the Thoroughbred Safety Committee was formed to tackle the tough issues regarding medication, breeding practices and track surfaces. The committee's initial recommendations issued Tuesday regarding steroids, safety whips and proper racing shoes have met with widespread praise, and more recommendations are to come. However, the lack of a central racing authority forces the Thoroughbred Safety

Committee and other industry leaders to announce that they “support,” “strongly support,” “endorse,” “urge,” “encourage” and otherwise beg and plead for the various racing states to adopt the changes. The reason for this language is obvious: the sport has no power to “require” that changes be made. In the current industry framework, any state that wishes to thumb its nose at such recommendations is free to do so, with no official ramifications.

After the one-two punches of Barbaro in 2006 and this year’s Kentucky Derby, mainstream media began a closer examination of thoroughbred racing. The public was concerned about the humaneness of the sport, and too often were appalled at what they were seeing. Racing can and must do better. But remember that these issues being debated existed long before the demise of Barbaro and Eight Belles, but the sport lacked a system as well as a desire to implement needed changes. The attention now being focused on these issues, by this committee as well as the public, now gives horse racing a rare opportunity to conquer its inefficiencies and pull together in a positive direction.

And along with the opportunity comes a sober responsibility: this is something the sport can ill afford to mess up.

Some conclusions:

- 1) Most in the sport have no desire for federal regulation of horse racing. But through whatever means it can be accomplished, thoroughbred racing desperately needs a strong central authority with regulatory power to make binding decisions necessary for the short- and long-term best interests of the sport.
- 2) The explosion of racing dates must be reversed – and in some cases dramatically – perhaps through the formation of a league of world-class U.S. racetracks with coordinated racing dates, stakes schedules and simulcasting rates.
- 3) The use of Lasix as a raceday medication should be abolished. At the very least, no horse that has ever competed with Lasix or any other race-day medication should be allowed to propagate as a sire or broodmare in order to restore the integrity of the thoroughbred genetic pool. In addition, all graded stakes races – the designation given to the country’s premier stakes – should be run with no raceday medication.
- 4) The Thoroughbred Safety Committee’s recommendations on steroids, whips and proper racing shoes should be immediately instituted.
- 5) Nationwide funding mechanisms must be instituted to: ensure the RMTC’s continued beneficial research and recommendations, including development of additional postrace tests for illegal drugs; consolidate the country’s 18 laboratories used for post-race testing into one or two “superlabs” with capabilities and resources to conduct testing for all prohibited substances; pay for enforcement of drug penalties, including legal costs associated with appeals.
- 6) The study of racetrack surfaces must continue to determine if synthetic surfaces actually reduce instances of catastrophic injury in thoroughbreds as compared to well-maintained dirt surfaces.
- 7) Rules should be instituted to hold veterinarians accountable in drug offenses as well as the trainers who employ them.
- 8) The U.S. should convene a summit with other major racing countries to develop regulations that could extend the careers of top racehorses, i.e., a rule requiring all

sires or broodmares to be at least 5 years of age to conceive a registered thoroughbred racehorse.

Chapter 9

“BREEDING, DRUGS, AND BREAKDOWNS: THE STATE OF THOROUGHBRED HORSERACING AND THE WELFARE OF THE THOROUGHBRED RACEHORSE”*

Susan M. Stover

American College of Veterinary Surgeons,
JD Wheat Veterinary Orthopedic Research Laboratory,
School of Veterinary Medicine,
University of California, Davis CA

SUMMARY

- Musculoskeletal injuries are the major cause of racehorse death and attrition.
- Racehorses are much more likely to suffer catastrophic injuries as a result of inadvertent circumstances than as a result of intentional abuse.
- Opportunities for injury prevention are great because catastrophic injuries are the acute manifestation of a more chronic process, and many risk factors are manageable.
- Racing officials have embraced scientific evidence and mandated change for the benefit of equine welfare in the face of long-standing tradition and horsemen resistance.
- There is a need for tracking the racehorse population.
- Research funds are needed to provide scientific evidence for further changes to enhance equine and industry welfare.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

Mr. Chairman and Members of the Subcommittee on Commerce, Trade, and Consumer Protection, thank-you for the opportunity to share our knowledge of racehorse musculoskeletal injuries and ongoing efforts for injury prevention.

California has monitored racehorse deaths for over 15 years. The California Horse Racing Board, a subcommittee of the California State Legislature, instituted a Postmortem Program in 1990, where all horses that die at a California racetrack under the jurisdiction of the Board undergo necropsy examination by pathologists at California Animal Health and Food Safety Diagnostic Laboratories of the School of Veterinary Medicine, University of California, Davis. Racetracks transport horses to necropsy facilities in this highly collaborative program. Industry organizations (e.g., Grayson Jockey Club Research Foundation, UC Davis Center for Equine Health) fund highly competitive, in-depth research projects on racehorse injuries and illnesses, conducted by University faculty and private veterinarians. Over 4,200 racehorses have been necropsied through this program. Necropsy programs have now been established in other states, and there are efforts to standardize reporting of necropsy findings nationwide.

Musculoskeletal injuries are the greatest cause of racehorse death and attrition. In California, 79% of deaths are associated with racing and training injuries. Although most fatal injuries occur during racing, over 32% of injuries occur during training activities. From 1990 to 2006, an increasing trend was observed for injury rates. The proportion of Thoroughbred horses with a fatal musculoskeletal injury during racing and training has risen from approximately 3 horses to 5 horses per 1000 Thoroughbred race starts. The proportion of Thoroughbred racehorses with a fatal musculoskeletal injury has risen from 17 horses to 24 horses per 1000 Thoroughbred horses that started a race. Musculoskeletal injuries resulted in 19-33% of racehorses leaving training within a 3 month or less period in the United States. An example helps us appreciate the impact of these rates of turnover on a racetrack population. For a 19% turnover in a 3 month period, approximately 2 times the daily population would be required to maintain horses at the racetrack throughout the year, assuming that horseracing occurs throughout the year and horses that leave the racetrack do not return in the same year. These trends are disturbing, especially in light of the discoveries made through the California Postmortem Program. However, there is recent evidence for a reversal in the trend for injury rates.

Pathologic evidence indicates that many catastrophic, fatal musculoskeletal injuries are the acute manifestation of pre-existing, milder injuries that develop over several weeks to months. Mild injuries are typically repetitive, overuse injuries. As with any physical activity, bone incurs microscopic damage when loaded during exercise. Normally, damaged bone tissue is continually replaced by healthy bone tissue through the repair process. Key to understanding the implications of the repair process in elite athletes is the time course of events during repair of microdamage. Much like demolition of a building, a unit of damaged bone tissue can be removed rapidly (within days to 2 weeks). However, similar to constructing a new building, the orderly replacement of a unit of bone requires months. Consequently, when the repair process occurs regionally in response to the quick accumulation of focal microdamage there is a transient period of bone weakness that occurs after damaged bone has been removed and before completion of bone replacement. The focal weakness allows initiation of a complete fracture under otherwise, physiologic training and racing conditions. Racehorses can be inadvertently susceptible to a fracture by virtue of routine racing and training conditions, that is, *without* intentional abuse.

The clinical signs preceding fracture development may be subtle and difficult to detect. Consequently, there is a need to optimize the ability to detect injuries during the early stages of development. Advanced imaging techniques and accessibility to advanced imaging equipment are continually improved. However, the potential for permitted medications to mask mild injury and to contribute to injury development needs to be assessed. The good news is that there is time during injury development for intervention for catastrophic injury prevention.

Injuries are multifactorial, with numerous contributing factors that create opportunities for injury prevention. Epidemiologic evidence indicates that horse characteristics (age, gender, quality), training and racing history, hoof management, horseshoe characteristics, pre-existing musculoskeletal injuries, racetrack characteristics (geometry, condition, and surface), and race features (e.g., class of race, purse) affect risk for injury. Several of these factors are likely to affect the rate of microdamage accumulation and can be managed for injury prevention. Key factors affect the magnitude and frequency of bone loading, and include exercise history, hoof conformation and shoeing, and race surface design. High exercise intensity increases risk for fatal injury and also for lay-up (inability to race). Hoof conformation and shoeing affect risk for injury because modifications can amplify loads to bones, tendons, and ligaments. Race surface characteristics affect the magnitude and nature of load transferred to the hoof.

Racing jurisdictions are actively addressing the injury problem. In fact, racehorse owners, trainers, and veterinarians; racetrack officials; and industry regulators have embraced scientific evidence and implemented changes for the benefit of equine welfare that countered long-standing traditions. Advanced imaging equipment has been installed at some major California racetracks to enhance early detection of injuries. Jurisdictions have mandated limitations on the height of a traction device, toe grabs, on horseshoes after studies demonstrated an association with increasing risk for injury with increasing height of toe grab. Recent scientific evidence demonstrated that a synthetic race surface imparts significantly lower loads and accelerations to the hoof during exercise. California mandated that all major racetracks replace traditional race surfaces with a synthetic race surface, at huge expense to racetrack management. Other racetracks have voluntarily replaced traditional race surfaces with synthetic race surfaces. Initial, preliminary injury data support the concept that race surface design and management have large potential for injury prevention.

Racing communities are working collaboratively at a national level to address industry problems. Examples include the national summits that addressed equine welfare in 2006 and 2008 held by the Grayson-Jockey Club Research Foundation. These strategic planning sessions brought together scientists and leaders from all facets (breeding to racing, work force to management) of the racehorse industry to identify industry problems and develop recommendations for problem resolution. Summit recommendations are in various stages of implementation. Other efforts to develop and promote uniformity among rules for racing are actively underway.

However, the racing industry consists of complicated parts. I am unaware of an industry model that identifies relationships between the components of the industry. It is conceivable that management decisions inadvertently affect racehorse training and management, and thus have effects on equine health and welfare. The number of horses required to fulfill racing inventory while minimizing racehorse attrition is unknown. The underlying racehorse population is largely unknown. Medical data are difficult to retrieve.

Further scientific research is desperately needed to guide the industry. Changes, for example in racetrack surface design, are largely based on marketing factors because of sparse scientific data. Funds for research are generally limited to those generated by organizations such as the Grayson-Jockey Club Research Foundation and centers for equine health. In some states, a small portion of pari-mutuel funds is apportioned for equine research. However, research funds are sparse relative to the size of the industry. Equine research proposals are not competitive for federal funds because horses are not considered an agricultural product, nor related to human health. Dissemination of research findings should be optimized, perhaps by mandated continuing education of racetrack personnel.

Musculoskeletal injuries have a huge, adverse effect on equine welfare, and on the Thoroughbred racehorse industry. Although fatal musculoskeletal injuries have a relatively low prevalence, milder forms of these injuries have a high prevalence. There are great opportunities for intervention and injury prevention because injuries develop over weeks and months of time. Excellent candidates for injury prevention include enhancing management practices to minimize low hoof heel angle; incorporation of more frequent, shorter high speed works or races in exercise regimes; avoidance of excessive accumulation of high speed distances over short periods of time; recognition and rehabilitation of mild injuries; avoidance of use of high toe grabs; design of safer race surfaces; and reconsideration of permitted medications. It is important to achieve uniformity of racing surface mechanical properties among racetracks and for the design of specific surface materials to meet the spectrum of environmental conditions seen by horses. Key to tracking the prevalence of injuries and the success (or lack of success) of interventions is identification of the underlying racehorse population. The industry should consider a mechanism for identification of horses that can be used for horses' medical record, location, exercise, and movement; and racetrack horse inventory. The racehorse industry and federal granting agencies need to make a substantial investment in research related to equine welfare and in mandatory continuing education of horse owners and trainers, and racetrack veterinarians.

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Chapter 10

SUBCOMMITTEE ON COMMERCE, TRADE AND CONSUMER PROTECTION OF THE COMMITTEE ON ENERGY AND COMMERCE HEARING ON THOROUGHBRED RACING*

Richard B. Shapiro and Bobby L. Rush

Mr. Chairman, Members:

For three generation generations my family has been involved in nearly every s aspect of this sport. I have operated a race track, competed as a harness driver, and have owned and bred thoroughbreds for racing. Currently, I am the chairman of the California Horse Racing Board.

I would first like to acknowledge the thousands of dedicated horsemen and horsewomen who keep this beautiful sport alive. Horse racing is a \$26 billion a year industry, directly providing nearly 400,000 jobs and satisfying careers, from the inner city to rural America. As one of the first and oldest forms of legalized gambling in the United States, horse racing occupies a special place in our history and our culture.

Nevertheless, I have witnessed the changes and accept the challenges that all of us in this industry now address every day: How do we help our sport survive – and maintain its integrity – in this era of enormous competition from Indian casinos, card clubs, new lottery games and the potential spread of legalized Internet gambling?

We are in the midst of transforming our ivy-covered bricks and mortar racing venues into the flashy web graphics of live sports telecasting and entertainment – entertainment that people bet on. We must carefully balance the need to attract newer and younger casual fans while satisfying our regular patrons who enjoy our game and keep these venues alive. And we must never lose our vision or neglect our responsibility to care for the horses that people come to see: The beautiful creatures who make it all possible and whose health and welfare must always be our prime concern.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

As the tragic death of Eight Belles after the Kentucky Derby reminded us, horses are fragile and the game can be cruel. But more is in operation here, and the best minds of the industry are closely examining why it is that the breed appears to be weakening. In 1948, Citation won 19 of 20 starts as a three year-old, including the Triple Crown. That same year he beat older horses and won at every distance between six furlongs and two miles. This year the Kentucky Derby was won by a horse that had only raced three times – and now may race only twice more, if at all.

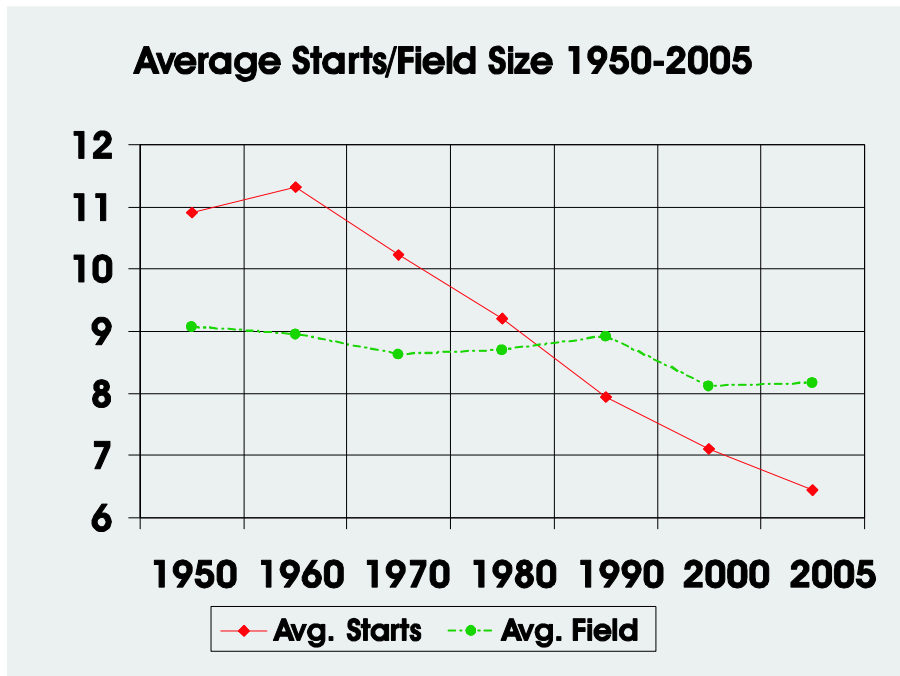
According to the Jockey Club, horses raced on average 6.3 times in 2007, down from a peak in 1960 of 11.3 times. And this despite diagnostic and veterinary medicine that rivals the human care offered at the nation's best hospitals and clinics. A longtime track vet once testified that, "Twenty years ago we had twice the horses and half the vets. Now we have twice the vets and half the horses." Today, it is not uncommon for some vets to examine their patients for free and charge only for the medicines they prescribe, an inherent conflict of interest.

Without a doubt, medication has changed our sport and presented us with profound challenges that threaten the game itself. For the sake of speed, and for having the fastest horse on the first Saturday in May, fewer horses are bred for durability, longevity and stamina. We push two year year-olds onto the track before many can handle the rigors of racing. The game has become more "horse breeding" than "horse racing". To give you a personal example, my family bred and owned the first horse to earn a million dollars bred in California, Native Diver, who raced 81 times and won 34 stakes races – a record that still stands. Today, the career of a stakes-caliber horse is considered long if it runs 25 times before retirement.

Over the past 40 years we have traded the time-tested regimen of hay, oats and water for a virtual pharmacopoeia – lasix, butezolidin, Clenbuterol –that has created, as one commentator at noted recently, "The Chemical Horse." After banning it as a performance enhancer, racing later permitted the widespread use of Clenbuterol — a drug originally marketed to fatten cattle — after its proponents claimed nothing else worked as well to clear out a horse's respiratory system. Despite evidence suggesting that this drug can alter the muscle mass of the heart, it is commonly used in racing.

And we have created The Chemical Horse in the name of medicine and therapy when, too often it has been done to gain a competitive advantage. How else do we explain the widespread use of steroids in horses? As Dr. Donald Catlin, whose tests are used by U.S. Olympic Committee said recently, "We've seen how anabolic steroids work in humans. It's going to work the same way in horses." Clearly, there is no place for anabolic steroids in competitions of man or horse.

Breeding for speed, over-medicating and trying to stay popular and relevant in this era of widespread gaming opportunities, are just three of the major issues we deal with every day. Numerous others affect our future, too. For example, we continue to demand that jockeys maintain weights potentially dangerous to their health at the same time we have been taking weight off the horses because trainers and owners have demanded it. Farriers fit our horses with shoes designed to grab or stick and provide more traction which have been proven to be harmful. That, too, needs to stop.



EQUINE DRUGS APPROVED BY FDA

1960's

Corticosteroids

Dexamethasone

Flumethasone

Isoflupredone

Methylprednisolone

NSAID

Phenylbutazone (Bute)

Anabolic Steroids

Testosterone

Stanozolol (Winstrol)

1970's

Corticosteroids

Betamethasone

Triamcinolone

NSAID

Flunixin (Banamine)

Anabolic Steroids

Boldenone (Equipoise)

Muscle Relaxant

Metocarbamol (Robaxin)

EQUINE DRUGS APPROVED BY FDA

1980's

- EIPH Treatment

 - Furosemide (Lasix)

- Anabolic Steroids

 - Trenbolone

- Joint disease

 - Hyaluronate Sodium

- Analgesic

 - Butorphanol

 - Detomidine

1990's and 2000's

- Bronchodilator

 - Clenbuterol

 - Albuterol

- NSAIDs

 - Diclofenac (Surpass)

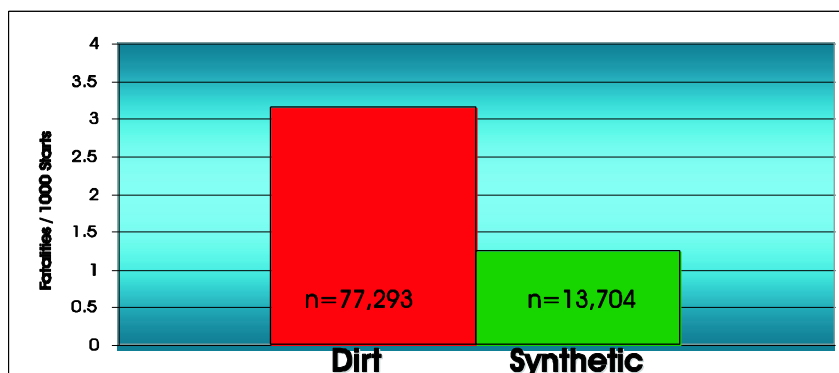
 - Firocoxib (Equioxx)

But there is one issue larger than all the others: Our industry is a chorus of many voices not always singing from the same music. We are owners, breeders, trainers, track operators and regulators, all with distinct concerns and we all must navigate 38 sets of rules and regulations all designed to protect the horse, the rider and the betting public. We have no central governance, no uniform policies, rules, and laws that assure an even playing field in all respects.

What was once a straightforward process of state stewards policing the sport has morphed into a legalistic nightmare in which steward's decisions are litigated at great expense to diminishing regulatory budgets for months, and sometimes, years. Participation in horse racing is a privilege not a right. As regulators we must demand and vigilantly ensure that all of racing's constituents adhere to uniform rules as the price to participate.

I submit: We need a national racing charter. One uniform set of rules and policies, one that governs all who choose to enjoy the privilege of racing. This should be the price of admission to our sport. The charter must establish uniform and consistent rules for the use of medication and the pre- and post-race testing of horses. And racing must overhaul the patchwork way it enforces its rules. The game needs a disciplinary system that is swift, fair and firm.

In my state, California, we have tackled the issues of medication and safety almost continuously for the past 20 years. We test every horse for milkshakes and are banning the use of anabolic steroids. We have mandated that associations install safer, softer racing surfaces at our major tracks. This, too, has not occurred without special challenges, as we learn learned at Santa Anita this year, nor is it perfected yet. But horses are returning sounder, more are racing and racing longer and, most importantly, fewer are breaking down.

Main Track Racing Fatalities* 2004-2007

Santa Anita, Hollywood Park, Del Mar, Oaktree at Santa Anita, Golden Gate Fields & Bay Meadows Only

Main Track Racing Fatalities* 2004-2007

	Fatality to Starts	Fatalities per 1000 Starts
Dirt (246 / 77,293)	1/314	3.18
Synthetic (17 / 13,704)	1/806	1.24

Santa Anita, Hollywood Park, Del Mar, Oaktree at Santa Anita, Golden Gate Fields & Bay Meadows Only

California recently adopted new stringent medication rules and penalty guidelines for punishing offenders. With state-of-the-art instrument testing, we examine post-race urine samples for more than 800 known compounds. Others test far fewer, unfairly tilting the playing field. But the regulatory scheme to prevent the use of performance-enhancing medication is only as good as its ability to find and detect the drugs in use. More research, and sound scientific study, is needed now.

California's necropsy program, the only one in the country, studies fatalities and has led to numerous other studies to protect horse and rider. For nearly two years we have been pushing the industry to conduct more and better due diligence about the individuals and the entities operating satellite wagering facilities to which we export our racing signals. We need to know that those participating in our pools are there for all the right reasons. Something this important should not take over two years to accomplish.

While better science and closer study are both valuable and necessary, I submit: Racing cannot always wait for science to confirm what it knows in its gut to be true. We need the ability to make hard decisions faster than science or government can provide – even knowing some choices will be hard and may not satisfy every concern — so that, together, we can move the industry forward.

We must modernize the way the game is regulated. I do not believe a national regulatory scheme should be imposed. Rather, we need your encouragement and assistance to ensure the 38 states where racing occurs will adopt uniform rules and regulations. The time has come for the racing jurisdictions to create, fund and staff one independent central regulatory body to police the game and protect all who participate. I submit: We need a National Racing Commission.

While I applaud and support the efforts of RCI and others, the imperative to always reach a consensus among 38 jurisdictions makes meaningful reform a slow, tedious and often contentious process. We need a single-set of rules and regulations to survive and thrive. Every person and entity who participates should have a voice in writing a new charter. I submit: To retain its fans and to prosper, racing must act now.

Should Congress help us? And, if so, how?

First, recognize and encourage the continuation of the trend toward a single regulatory scheme we have begun through RCI and numerous *ad hoc* committees throughout the sport.

Second, help us promote and fund more focused research in matters of equine health, jockey and track safety.

Third, consider restoring investment and tax incentives to encourage horsemen to keep the sport's best horses on the track longer, where a new generation of fans can witness their majesty before they retire to the breeding shed.

Finally, help us create opportunities to inject new life into the sport by easing restrictions on the types and manners of wagers permitted to showcase our product, safeguard it from piracy, and ensure a healthy future for this sport.

The Eight Belles tragedy and the understandable reaction of those who love these animals as much as we do brought us here today. As owners, breeders, trainers, track operators and regulators, we know we must work even harder together or face an uncertain future alone.

Thank you for your interest and support.

Chapter 11

**SUBCOMMITTEE ON COMMERCE, TRADE AND
CONSUMER PROTECTION
COMMITTEE ON ENERGY AND COMMERCE HEARING
ON “BREEDING, DRUGS, AND BREAKDOWNS: THE
STATE OF THOROUGHBRED HORSERACING AND THE
WELFARE OF THE THOROUGHBRED RACEHORSE”**

Alexander M. Waldrop

President and Chief Executive Officer
National Thoroughbred Racing Association
Before the June 19, 2008

Chairwoman Schakowsky, Ranking Member Whitfield, and Members of the Subcommittee, thank you for this opportunity to speak on behalf of the National Thoroughbred Racing Association and its 65 member racetracks, 40 horsemen's groups and one million individual supporters.

NTRA is Thoroughbred racing's only centralized authority representing virtually all industry stakeholders, including owners, breeders, trainers, racetracks, riders, racing fans and veterinarians. As such, we serve the industry as a consensus builder around solutions to problems of national importance to the horseracing industry.

With an industry as diverse as ours, consensus is sometimes difficult. Nonetheless, our stakeholders agree that the health and safety of our equine athletes is paramount to our sport.

From its earliest days, pari-mutuel horseracing has partnered with state governments to sanction and regulate horse racing both as a sport and as a pari-mutuel wagering industry. State government insures the public of the integrity of our operations through independent oversight and verification.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

States regulate our industry through state racing commissions. These individual commissions operate under the umbrella of the Association of Racing Commissioners International or RCI, which develops and promulgates national standards called model rules of racing. The challenge of our state regulated structure is to implement uniform rules in all 38 racing jurisdictions.

Some are questioning whether our industry has the governing structure necessary to effect change. I can't speak to the distant past but I can tell you that recently this industry has been making great strides towards uniformity at the national level and the NTRA has been an important catalyst for that change.

One of the foremost examples of cooperative, uniform solutions to industry-wide challenges is the Racing Medication and Testing Consortium. The RMTC is governed by a Board of Directors consisting of 23 industry stakeholder groups including state regulators, veterinarians, and chemists, as well as horse owners, trainers, breeders, and racetracks from all racing breeds.

Working with guidance from the RMTC, the RCI has developed a comprehensive set of model rules which govern the use of drugs and therapeutic medications in racing. These model rules have now been adopted in 32 of 38 racing jurisdictions, including all major racing states. The RMTC has also helped the RCI develop tough but fair standardized penalties for drug violations. These tougher penalties are now in place in almost half of all states that conduct horseracing with more states expected to adopt the model penalties soon.

Most recently, we have worked closely on a policy regarding anabolic steroids. With the full support of our industry, the RCI has called for all racing states to adopt a standardized rule removing anabolic steroids from racing and race training by the end of 2008. Some 28 states are now in the process of removing anabolic steroids from competition, with the remaining 10 expected to follow suit shortly.

Likewise, for several years we have been addressing equine health and safety issues on a national basis. In 2006, our industry initiated numerous national studies in areas such as injury reporting, track surfaces, veterinary research and equine injury prevention programs. The Jockey Club's Thoroughbred Safety Committee is a perfect example of the cooperative work being done to address our sport's health and safety issues at the national level. In fact, as you heard earlier from Mr. Marzelli, more safety measures have been recommended and the NTRA will help in advocating for these changes.

The last thing this industry needs is another layer of bureaucracy. A Department of Horse-Land Security funded by yet another tax on our long-suffering customers? No Thanks.

We are making progress towards uniformity in drug testing and medication rules; removing steroids from racing competition; implementing an injury reporting system; exploring new, synthetic track surfaces to reduce injuries; and continuing to conduct industry-funded research into the causes of equine injuries.

The horseracing industry should be allowed to continue its efforts to build a more uniform and cohesive health and safety program for its participants. We at the NTRA and our industry stakeholders are uniquely qualified and fully committed to working through our sport's complex issues as they relate to equine health and safety, relying on sound science and research. I believe that the NTRA's leadership, plus improved drug and safety rules, more transparency and expanded research, coupled with continued oversight from this committee and the states is the best recipe for the progress we all seek. Our horses and our fans deserve no less.

Chapter 12

TESTIMONY OF JACK VAN BERG*

Subcommittee on Commerce, Trade, and Consumer Protection House Committee on Energy and Commerce June 19, 2008

In order to bring integrity back to the great sport of horse racing, the first and most important act should be to implement the most sophisticated drug testing available. It should be funded by a small percentage of the simulcast money; approximately 1/8 of 1%. Three labs should conduct the testing—one in the west; one in the east; one in the Midwest. It would be the responsibility of the trainer, or his representative to monitor the collection of the sample(s) after the race. Half of the test sample should be immediately frozen and put in a locker that requires two keys to open. One key should be held by the trainer and another one held by the lab technician. The other half of the sample should be sent to the designated lab and tested. If this sample is positive, then the trainers and lab technician would unlock the other half of the sample and send it to one of the other designated labs. If the sample is also positive, then very strict penalties should be imposed.

As for medication, it would be in the best interest of this grand sport and these grand equine athletes to abolish any and all medications. This would mean no race day threshold levels of Lasix, Bute, Steroids or any other medication. The present rule permitting the use of steroids and other drugs have comprised the integrity of horse racing and has been a major factor in attendance and for interest falling to an all time low. Steroids do not give these “non-consenting” athletes the time they need to develop and mature. Steroids given to young horses, they cause an unnatural increase in muscle mass and make them heavier than their still maturing bone structure can often tolerate. Let the horse develop on his own and the trainer should be enough of a horseman to know when he has matured.

As for racing surfaces, they should be a good sandy loam and maintained for the soft cushion. I do not think it helps for fans to be concerned about how fast a race is run. The

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008.

safety of the horse should be the priority and not how fast the track is. On big days, most race tracks see how fast they can get the track. The surface should be maintained at the same depth at all times.

I would like to thank everyone for inviting me to testify before the House Committee. The sport of Horse Racing is one of the greatest sports of all times. I will always be willing to do whatever I can to bring back the greatness and integrity of this great sport.

Chapter 13

TESTIMONY OF RICHARD DUTROW, JR.*

Ms. Chairwoman, Committee members, thank you for the opportunity to talk with you today.

When I was contacted by one of your staffers and asked to speak here today I agreed because I wanted to share my insights and points of view on some of these issues and I hope that I can be helpful here.

I also hope that I was not asked to be here because of some of the problems I have had in the past. I hope your staff people were sincere in inviting me because they valued my insight. I want to be part of the solution and not part of the problem.

I also ask for your patience today. I'm not always the best at explaining things. I've been taking care of horses all my life. I dropped out of high school more than 30 years ago to take care of horses and sometimes I think I do better with horses than with people.

As you may know, I am the trainer for Big Brown, the very talented horse who won the Kentucky Derby and the Preakness this year. Despite my best efforts and those of the team of people around him, he did not win the Belmont Stakes but that's horseracing. Big Brown is healthy and our plan right now is to keep him racing this summer and fall.

In addition to Big Brown, I am responsible for approximately 150 horses at any one time – 110 in active training and 40-50 at various farms getting ready to race.

My operation has about 75 people, including grooms, stable hands, exercise riders, blacksmiths and vets, who care for our horse on a daily basis.

While some people's focus is on the big days, we care about our horses and keeping them safe 365 days a year. Taking care of horses is a way of life for us. Our horses get the best care we can give them. They are gifted athletes and are trained to give their best performance when they run.

During the Triple Crown, I was asked several questions about my past and I expect those will come up today so let me address them.

* These remarks were delivered as testimony given before the Subcommittee on Commerce, Trade and Consumer Protection, Committee on Energy and Commerce, on June 19, 2008. Richard Dutrow Jr. is a Thoroughbred Trainer.

My barn has been penalized in the past for medication violations. I was suspended and fined five years ago when traces of a prohibited substance, mepivicaïne, turned up in a test for one of my horses. I said then that we don't use it and I don't know how it happened.

We have also had violations when legal, permitted, therapeutic medications have shown up in race day tests because they were given to the horse too close to the race. That's something that many trainers in the country have had to deal with. But I take responsibility for the condition of my horses.

During the Triple Crown I told the media that my horses are given Winstrol on the 15th of each month. This is an FDA approved medication and is within the current rules of racing in most states. It is something we started a few years ago at the recommendation of one of our vets.

People have asked me why I do it. My observation is that it helps the horses eat better. Their coats brighten. They're more alert. It helps them train. Having said that, our barn has won hundreds of races with horses that weren't on steroids. Earlier this winter, I won two one million dollar races in Dubai, where steroids are prohibited. If steroids are banned in the United States, we'll stop using them.

I also said that I'm not qualified to speak to the science of it. For that, I would suggest that you talk to the vets and scientific experts.

Thank you.

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